



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

UC-NRLF



B 3 830 954

Author and Title

Wisconsin (Ter). Laws, statutes, etc.  
Laws of Wisconsin territory.

Call Number	Volume	Copy
KFW 2425 A222	1843	

THIS BOOK DOES NOT CIRCULATE  
OUTSIDE THE BUILDING

NAME	LOCATION

sconsin (Ter). Laws, statutes, etc.  
Laws of Wisconsin territory.

FW  
425  
222

vol  
1843

— — — — —







# **LAWS**

**OF**

## **WISCONSIN TERRITORY;**

**PASSED BY THE FOURTH LEGISLATIVE ASSEMBLY,**

**DURING THE SESSION TERMINATING ON THE 26<sup>TH</sup> DAY OF MARCH,  
AND THAT TERMINATING ON THE 17<sup>TH</sup> DAY OF APRIL, 1843.**

**Published by authority of the Legislative Assembly.**

**MADISON :**

**PRINTED BY SHELDON & HYER.**

**1843.**

00000





# LAWS

OF

## WISCONSIN TERRITORY.

---

**AN ACT** to amend "an act authorizing Webster Stanley to maintain a ferry across Fox river," approved Feb. 18, 1842.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That Webster Stanley is hereby authorized to keep and maintain a ferry across the Fox river, in the county of Brown, on section twenty-four, in town eighteen north, of range eighteen east, for such length of time, and subject to such restrictions, as are provided by the act which is hereby amended. <sup>Ferry on Fox river.</sup> <sup>How regulated.</sup>

Re-considered, and passed the House of Representatives, March 20, 1843, by ayes and noes, nineteen members voting for the bill.

JOHN CATLIN, Chief Clerk.

Re-considered, and passed the Council, March 20, 1843, by ayes and noes, ten members voting for the bill.

JOHN V. INGERSOLL, Secretary.

**AN ACT** to organize certain towns therein named.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That all that part of the town of Warren, in the county of Milwaukee, comprised in township seven, in range eighteen east, is hereby set off and organized into a separate town, by the name of Nemahbin; and the first election in said town shall be held at the house of N. P. Hawks. <sup>Town of Nemahbin.</sup>

§ 2. That all that part of the town of Spring Prairie, in Wal-La Fayette worth county, comprised in township three, range seventeen east, is hereby set off and organized into a separate town by the name

- Election.** of La Fayette; and the first election in said town shall be at the house of Theodorus B. Northrup.
- La Grange.** § 3. That all that part of the town of Elk Horn, in said county, comprised in township four, range sixteen east, is hereby set off and organized into a separate town by the name of La Grange; and the first election in said town shall be held at the school house on Round Prairie.
- Election.**
- Meacham.** § 4. That all that part of the town Troy, in said county, comprised in township four, range seventeen east, is hereby set off and organized into a separate town by the name of Meacham; and the first election in said town shall be held at the house of Jesse Meacham.
- Election.**
- Troy.** § 5. That all that part of the said town of Troy, comprised in township four, range eighteen east, is hereby set off and organized into a separate town by the name of Troy; and the first election in said town shall be held at the Methodist meeting house in said town.
- Election.**
- Ottawa.** § 6. That all that part of the town of Genesee, in the county of Milwaukee, comprised in township six, range seventeen east, is hereby set off and organized into a separate town by the name of Ottawa; and the first election in said town shall be held at the house of Newman Chub.
- Election.**
- Johnstown.** § 7. That all that part of the town of Janesville, in the county of Rock, comprised in township three north, of range fourteen east, be set off and organized into a separate town by the name of Johnstown; and the first election in said town shall be held at the dwelling house of Elisha Newhall, in said town.
- Election.**
- Fulton.** § 8. That all that country comprised in town four north, of range twelve east, in the county of Rock, be set off and organized into a separate town by the name of Fulton; the first election to be held at the house of William B. Foster.
- Election.**
- Union, country attached to.** § 9. That all that country comprised in the limits of the north half of town three north, of range eleven east, be annexed to and become a part of the town of Union, in the county of Rock.
- Oakland.** § 10. All that part of the town of Jefferson, in the county of Jefferson, comprised in township six, in range thirteen east, is hereby set off, and organized into a separate town by the name of Oakland; and the first election shall be held at the house of Girard Crain, in said town. And the north half of township six, and the two southern tiers of sections of township seven in range fifteen
- Election.**
- Jefferson, country attached to.**

and sixteen east, in the county of Jefferson, are hereby annexed to, and shall form a part of the town of Jefferson.

§ 11. That the said several towns set off and organized by this act, shall each be entitled to and enjoy all the rights and privileges which are granted by law to the other towns in this Territory. <sup>Rights of towns.</sup>

§ 12. That all that part of Beloit, in the county of Rock, comprised in sections ten, fifteen, twenty-two, twenty-seven and thirty-four, in town one north, of range thirteen east, be annexed to and form a part of the town of Clinton. <sup>Clinton, county attached to.</sup>

§ 13. That all that section of country comprised in the county of Calumet, shall be incorporated into a town by the name of Manchester; and shall hold their election, until further ordered by vote of said town, at the centre school house. <sup>Manchester. Election.</sup>

§ 14. That all that part of the town of Walworth, in the county of Walworth, comprised in township one, range fifteen east, is hereby set off and organized into a separate town by the name of Sharon; and the first election in said town shall be held at the house of Joseph Topping. <sup>Sharon. Election.</sup>

§ 15. That all that section of country comprised in the county of Marquette, shall be a town by the name of Marquette; and the first election in said town shall be held at the house of S. W. Beall, and that said town and county of Marquette shall be annexed for county purposes to the county of Fond du Lac. <sup>Marquette. Election. Attached, &c.</sup>

APPROVED, March 21, 1843.

## AN ACT to annex certain fractions or lots of land to the town of Rock, in the county of Rock.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That fractional sections number one and number two, lying north and west of Rock river, in township number two north, of range twelve east, be and the same are hereby annexed to the said town of Rock, in the county of Rock. <sup>Town of Rock, country annexed to.</sup>

APPROVED, March 21, 1843.

## AN ACT to change the name of Henry Sanders Brown.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Change of  
name.

§ 1. That the name of Henry Sanders Brown, of Milwaukee, late of Washington county, New York, be and the same is hereby changed to that of Henry Brown Sanders; and by such name, he shall and may hereafter be known and recognized: *Provided*, that the rights of no person or persons shall in any wise be affected thereby.

Proviso.

APPROVED, March 22, 1843.

## AN ACT to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Courts in the  
second judi-  
cial district.

§ 1. The district court shall be holden at the county seat of the several counties in the second judicial district, hereinafter mentioned, at the times specified herein, to wit: Green county, the second Monday in April and October; Rock county, the third Monday in April and October; Walworth county, the fourth Monday in April and October; Jefferson county, the third Monday after the fourth Monday in April and October; Dane county, fourth Monday after the fourth Monday in April and October.

When held.

Writs, &c.,  
how and when  
made returna-  
ble.

§ 2. All writs, summonses, process, indictment, recognizance, and other proceedings in any of the said courts, which now are or may hereafter be made returnable in any of said courts in the first section mentioned, at any time after this act shall take effect, shall be considered as returnable at the term fixed in this act for holding the spring terms of said courts, and all adjournments, appearances, continuances, motions, and notices of any proceedings in said courts, which are made or taken to any term subsequent to the time this act shall take effect, shall be held to be made and taken for the time fixed by this act for holding the spring term of said courts.

Acts repealed.

§ 3. So much of any and all former acts as conflict with the provisions of this act, are hereby repealed.

§ 4. All criminal causes shall be tried in the county where the offence was committed, unless it shall appear to the satisfaction of the court, by affidavit, that a fair and impartial trial cannot be had in such county; in which case, the court before whom the cause is pending, if the offence charged in the indictment be punishable with death or imprisonment in the state prison, may, either in term time or vacation, direct the person accused to be tried in some adjoining county, where a fair and impartial trial can be had: *Provided*, that the party accused shall be entitled to a change of venue but once and no more.

§ 5. That when the venue is changed to an adjoining county, in a criminal case, the clerk of the proper court thereof, after having received the original indictment, and a certified transcript of the proceedings thereon, the trial shall be conducted in all respects as if the offence had been indicted in the county to which the venue is changed: *Provided*, that the costs accruing from a change of the venue shall be paid by the county in which the offence was committed.

§ 6. When a court has ordered a change of venue, if the accused be in arrest or confinement, they shall issue a warrant directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he or she is to be tried, there to be safely kept by the jailor thereof until discharged by due course of law.

§ 7. When the court has ordered a change of venue, they shall require the accused, if the offence be bailable, to enter into a recognizance with good and sufficient sureties, to be approved by the court or judge, in such sum as the court or judge may direct, conditioned for his appearance in court at the time and place at which the cause is to be tried, on such change of venue, and in default of such recognizance, a warrant shall be issued, as provided in the next preceding section.

§ 8. When a change of venue is allowed, the court shall recognize the witnesses on the part of the United States, to appear before the court in which the prisoner is to be tried.

§ 9. The attorney on behalf of the United States, may also apply for a change of venue, and the court being satisfied that it will promote the ends of justice, may award a change of venue upon the same terms, and to the same extent, that are provided in this act.

APPROVED, March 23, 1843.

**AN ACT fixing the time of holding the annual sessions of the Legislative Assembly, and for other purposes.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

**When to meet.** § 1. That the annual commencement of the session of the legislative assembly, shall be on the first Monday of December, in each and every year.

**Special sessions, how called.** § 2. The governor of the territory may, as often as in his opinion the public interest requires it, appoint by proclamation special sessions of the legislative assembly, to be holden at such times as he may designate, not less than twenty days from the issuing such proclamation.

**Members, when exempt from arrest.** § 3. No member of the legislative assembly shall be liable to arrest on a service of any civil process, issued by any of the courts of this Territory during any session of the legislative assembly, or for ten days immediately preceding or subsequent to the termination of such session; and any member in arrest during the period of such exemption, shall be entitled to an immediate discharge, on application to any judge, supreme court commissioner, or justice of the peace, in any county in which such arrest may have been made.

**Application for discharge.** § 4. The present session of the legislative assembly shall terminate on the twenty-fifth day of March, 1843.

**Session to terminate.** § 5. There shall be a session of the legislative assembly held at the capitol, in Madison, to commence on the twenty-seventh day of March, A. D. 1843, at ten o'clock in the forenoon, which shall continue until terminated by joint resolution of the said assembly.

**Session to commence.** § 6. At the said session, to be held on the said twenty-seventh day of March, 1843, the council and house of representatives may proceed to complete the unfinished business remaining in their respective houses at the termination of the present session.

**Completion of business.** § 7. An act of the revised statutes, entitled "an act relative to the sessions of the legislative assembly," is hereby repealed.

**Act repealed.** § 8. This act shall take effect from and after its passage.

**To take effect.** APPROVED, March 23, 1843.

# **AN ACT to provide for the election of sheriffs, judges of probate, and justices of the peace.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. There shall be a general special election held in the several counties and towns in this territory, on Monday, the first day of May, A. D. 1843, at such places in the several counties and towns as now are, or may before that time be fixed upon, in pursuance of law, for holding such elections. <sup>Elections, when held.</sup>

§ 2. All elections held in pursuance of the provisions of this act, shall be conducted in such manner as is now or may be provided by law for holding general elections in the several counties of the territory. <sup>How conducted.</sup>

§ 3. There shall be elected in each of the counties of this territory, which are organized for judicial purposes, at the said election to be held on the first Monday of May next, a sheriff, and judge of probate, by the qualified voters of such counties, and of the counties attached to them for judicial purposes, except as hereinafter provided, whose term of service shall commence on the first Monday of June next after their election, and continue until the first Monday of January, in the year eighteen hundred and forty-five, and until their successors are duly elected and qualified; and the qualifications, rights, liabilities, powers and duties of the said officers, shall be the same as prescribed by law for the said officers. <sup>What officers elected. Term of office.</sup>

§ 4. There shall, in like manner, be elected, at the general election to be held on the fourth Monday of September, A. D. 1844, and biennially thereafter, in each of the counties organized for judicial purposes, by the qualified voters of such county and of the counties attached to them for judicial purposes, a sheriff and judge of probate, whose term of service shall commence on the first Monday of January next after their election, and continue for two years, and until their successors are duly elected and qualified; and the qualifications, rights, liabilities, powers and duties of the said officers shall be the same as prescribed by law: *Provided*, <sup>Provido.</sup> that no person shall be eligible for two successive terms to the office of sheriff.

§ 5. The mode of canvassing the votes for said officers, and of determining the persons elected to said offices respectively, shall be the same as prescribed by law for canvassing the votes for <sup>How conducted.</sup>



and determining the persons elected to county offices; and when any county shall be attached to another county for judicial purposes, the clerk of the board of county commissioners, or supervisors of the county so attached, shall, on the third Monday after the day of election, attend at the office of the clerk of the board of county commissioners, or supervisors of the county to which such county is attached, and the clerks of the several counties so attached, together with the clerk of the county to which they are attached, shall in conjunction proceed to canvass the votes, and determine the persons who are elected, in the manner prescribed in this section; and if any of the counties so attached are not organized for county or judicial purposes, the election therein shall be conducted, returns made and votes canvassed, in the same manner as though they constituted an integral part of the county to which they are so attached.

Canvass.

Returns, how made.

Justices of the peace.

Term of service.

Duty of commissioners.

Precincts defined.

Number of justices in each town.

§ 6. There shall be elected at the said general special election, by the qualified voters of the several towns in the several counties organized under the act, entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February eighteenth, 1841, not more than three justices of the peace, who shall be residents of the towns in which they may be elected; whose term of service shall commence on the first Monday of June next, and continue until the first Monday of May, succeeding the next annual town meeting; and after the present year, the said justices shall be elected at the annual town meeting, and shall hold their offices until the first Monday of May, succeeding the next annual town meeting, and until others are duly elected and qualified.

§ 7. It shall be the duty of the county commissioners of the several counties in this territory, which are not organized under the act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February eighteenth, 1841, in establishing the several election precincts, in their respective counties, hereafter to prescribe the boundaries thereof, and also to give names to said precincts.

§ 8. There shall be elected in each of the said precincts, at the said general special election, by the qualified voters of such precinct, not more than three justices of the peace, who shall be residents of the precincts for which they may be elected, whose

term of service shall commence on the first Monday of June next, Terms, &c. and terminate on the first Monday of January next; and there shall likewise be elected at the general special election, not more than three justices of the peace in each precinct, who shall be residents of the precincts for which they may be elected, whose term of service shall commence on the first Monday of January, next after their election, and continue for one year, and until others are duly elected and qualified.

§ 9. At the said elections in the several towns and precincts <sup>How elected.</sup> ~~How elected.~~ aforesaid, the three persons, or any less number that may be fixed by vote of any town or precinct, who shall receive the highest number of votes for justices of the peace, shall be considered and declared to be duly elected justices of the peace for the county in which any such town or precinct may be situated.

§ 10. The board of supervisors in the several towns, and the <sup>Returns, how</sup> ~~Returns, how~~ judges of election in the several precincts, shall make a return <sup>made.</sup> ~~made.~~ to the clerk of the board of supervisors, or of the board of commissioners, as the case may be, of the several persons who may be elected justices of the peace, in pursuance of the provisions of this act; and the said clerk shall issue to the persons so elected certificates of such election, under the seal of said board, which <sup>Certificate, &c</sup> ~~Certificate, &c~~ shall be sufficient evidence of such election, for all purposes whatever.

§ 11. The jurisdiction of all justices of the peace elected in <sup>Jurisdiction.</sup> ~~Jurisdiction.~~ pursuance of the provisions of this act, shall be co-extensive with the limits of the county in which they shall be elected, and no other or greater, whether said county be attached to any other county, or whether any other county is attached to it: *Provided*, that every justice elected under the provisions of this act, shall <sup>Office,</sup> ~~Office,~~ keep his office in the town or precinct for which he may be elected, <sup>where kept.</sup> ~~where kept.~~ and not elsewhere.

§ 12. The qualifications, rights, liabilities, powers and duties <sup>Qualifications</sup> ~~Qualifications~~ of justices of the peace elected in pursuance of the provisions of this act, shall be the same as prescribed by law.

§ 13. That so much of any law of the territory, as authorizes <sup>Repealed.</sup> ~~Repealed.~~ the governor to appoint to or remove from office, any sheriff, judge of probate, or justice of the peace, be, and the same is hereby repealed: *Provided*, this section shall not take effect until the first <sup>Proviso.</sup> ~~Proviso.~~ day of June next.

§ 14. The term of service of the several sheriffs, judges of <sup>Service, &</sup> ~~Service, &~~

probate, and justices of the peace, who may be in office at the time of the passage of this act, or at any time before the first Monday of June next, shall expire on the first Monday of June next.

Removals from office.

§ 15. The governor of the territory is authorized and empowered to remove from office any sheriff, or judge of probate; guilty of malfeasance, or misfeasance in office, in the following cases:—

How made.

when a written complaint shall be made to the judge of the district court, within whose jurisdiction the officer charged with the offence shall reside, and the said judge shall certify to the governor, after an investigation of the charges, that the said officer has been guilty of malfeasance or misfeasance in office; and ought to be removed; and the said judges are authorized and directed to investigate all charges made as aforesaid against either of said officers, after proper notice has been given to such officer, that such charges are made against him, and of the time and place appointed for the investigation of such charges; and if, after such investigation, the judge is satisfied that the said officer is guilty of malfeasance or misfeasance in office, and ought to be removed, he shall certify such opinion to the governor.

Vacancies, how filled.

§ 16. In case of vacancy in the office of judge of probate; created by death, resignation, or otherwise, the governor of the territory is authorized and empowered to appoint some suitable person to fill such vacancy, who shall hold his office until the next annual election, and until his successor is duly elected and qualified.

Districts, for judge of probate.

§ 17. The counties of Fond du Lac, Marquette, Winnebago, and Calumet, shall constitute one district; and the counties of Sheboygan and Manitowoc shall in like manner constitute a district; the county of Portage shall constitute a district; and the county of Washington shall in like manner constitute a district, for the

Jurisdiction.

election of a judge of probate; whose jurisdiction shall be co-extensive with the district for which he may be elected: said judges of probate to be elected at the same time and manner as prescribed in this act, and in pursuance to the provisions of this section: *Provided*, that the clerks of the several towns in the counties

Provided.

of Fond du Lac, Calumet, Winnebago and Marquette shall make returns of such election to the clerk of the board of supervisors of Fond du Lac county, within three weeks from the day of election: *and provided, also*, that the clerk of the board of commissioners of the county of Sheboygan shall make return of the election of

Election returns.

such county to the office of the clerk of the board of commissioners of Manitowoc county, within the same time.

§ 18. If any justice of the peace die, resign, or remove out of the town or precinct for which he may be elected, or his term of office be in any other manner terminated, the docket books, records, papers and documents appertaining to his office, or relating to any suit, matter or controversy, committed to him in his official capacity, shall be delivered to the nearest justice in the same county, who may thereupon proceed to hear, try and determine such matter, suit or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice before whom such matter or suit was commenced to have done. Docket, &c.;  
to whom delivered.

§ 19. So much of any act, or parts of acts, as contravene, or are not consistent with, the provisions of this act, are hereby repealed.

§ 20. It shall be the duty of the secretary of the territory, as soon as may be after the passage of this law, to send a copy of it to the publishers of the several newspapers in this territory, for publication. Publication of  
law.

§ 21. This act shall take effect from and after its passage.

Take effect.

APPROVED, March 23, 1843.

**AN ACT** to repeal so much of an act supplementary to the several acts relating to the Milwaukee and Rock River Canal, approved February 12, 1841, and such other acts or parts of acts as authorize the sale of any portion of the lands granted by the act of Congress of the 18th June, 1838, and to amend the several sections of an act approved February 19, 1841, supplementary to the several acts in relation to the Milwaukee and Rock River Canal.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That so much of any law of this territory as authorizes any person to make application for the sale of any portion of the unsold and unreserved lands granted by the act of congress of the 18th June, 1838, to the territory of Wisconsin, to aid in the construction of the Milwaukee and Rock river canal, and such Acts repealed.

parts of the said acts as authorize the sale of any portion of said lands by the proclamation of the governor, or otherwise, be, and the same is hereby, repealed.

Repealed.

§ 2. That the second section of an act entitled "an act in addition to an act in addition to an act entitled 'an act supplementary to the several acts in relation to the Milwaukee and Rock river canal,' approved February 19th, 1841, be, and the same is hereby, repealed. *Provided:* that the purchaser of any canal lands, under and by virtue of an act entitled "an act to provide for aiding in the construction of the Milwaukee and Rock river canal," approved 26th February, 1839, is hereby authorized to receive and demand a patent for the lands by him purchased, upon executing and delivering to the proper officer a bond and mortgage, as is provided in the tenth section of the last recited act..

Proviso.

Patent, how obtained.

APPROVED, March 25, 1843.

## AN ACT to provide for the election of superintendent of territorial property, and for other purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

When elected, and how.

§ 1. That there shall be elected by joint ballot of the council and house of representatives, in the representatives' hall, on the twenty-fifth day of March, 1843, an agent of the legislative assembly, who shall be styled "superintendent of territorial property," whose term of service shall commence at the time of his election, and continue until the termination of the next regular annual session of the legislative assembly, and until his successor be elected and duly qualified.

Tenure of office.

Elections hereafter.

§ 2. There shall be elected at each regular annual session of the legislative assembly, on such day as the two houses by joint resolution shall prescribe, a superintendent of territorial property, whose term of service shall commence at the termination of the session at which he is elected, and he shall hold his office until the termination of the next regular annual session of the legislative assembly after his election, and until his successor be elected and duly qualified.

Duties of the Superintendent.

§ 3. All the duties which now devolve by law upon the commissioner of public buildings, by virtue of an act entitled "an act

in addition to an act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes," approved March 8, 1839, and of an act entitled "an act to amend an act entitled an act in addition to an act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes, approved March 8, 1839," approved January 11, 1840, together with all other duties devolving by law or resolution upon the commissioner of public buildings, shall devolve upon, and be performed by, the superintendent of territorial property.

§ 4. All the duties which now devolve by law upon the librarian, by virtue of an act of the revised statutes entitled "an act to provide for the appointment of a librarian, and for other purposes," together with all other duties devolving by law or resolution upon the librarian, shall devolve upon, and be performed by, the superintendent of territorial property. Act as Librarian.

§ 5. The superintendent shall have authority to employ an assistant, or clerk, who shall receive pay at the rate of one dollar and fifty cents per day only, during the sessions of the legislative assembly, and of the supreme court, and for such time as the superintendent will necessarily be absent from the seat of government on official business. Assistant. Compensation of.

§ 6. So much of any law as conflicts with the provisions of this act is hereby repealed. Repealed.

§ 7. It shall be the duty of the superintendent of territorial property to bring to as speedy a termination as possible, the several suits now pending in favor of the territory in the county of Walworth; and the said superintendent is hereby vested with full power and authority to compromise, settle, and discharge said suits, and also to compromise, settle, and discharge the claim of the territory upon James Morrison, contractor, and his sureties, for not completing the capitol according to his contract, in such manner as he shall think will best protect the rights and promote the interests of the territory, provided that no such compromise, settlement or discharge, shall be obligatory upon the territory, if it shall be disapproved by the legislative assembly at its first regular session after such compromise, settlement, or discharge. And if the said superintendent shall not compromise, settle, or discharge the said claim of the territory upon the said James Morrison and May settle suits.

- his sureties, he is hereby authorized and required to cause the necessary and proper legal proceedings to be instituted to recover said claim.
- Bring suits.**
- Bond,**      § 8. The superintendent of territorial property shall, before he enters upon the duties of his agency, execute a bond to the treasurer of the territory, for the use of the territory, in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties imposed upon him by this act, with two good and sufficient sureties, which shall be approved by the presiding officers of the two houses of the legislative assembly, and deposited with the clerk of the supreme court of the territory; and he shall receive in full compensation for his services, in addition to any expenses actually and necessarily incurred by him on account of the territory, a salary of three hundred dollars, to be paid by the secretary of the territory, out of the fund appropriated by congress to defray the expenses of the legislative assembly.
- Salary.**
- Members of bar to have books.**      § 9. Members of the bar, having the right to practice in the supreme court of the territory, shall, during the sessions of the supreme court, have the privilege of the library to the same extent as members of the legislative assembly now have.
- Subpena witnesses.**      § 10. That the superintendent of territorial property is hereby authorized and required to issue subpoenas and compel the attendance of witnesses on behalf of the territory, in the several suits referred to in this act, without paying or tendering fees in advance; and any witness failing or neglecting to attend, after being duly subpoenaed, shall be liable in the same manner as is now provided by law in other cases where fees have been paid or tendered.
- No fees necessary.**
- Capitol, how kept during recess.**      § 11. The rooms in the capitol appropriated to the use of the council and house of representatives, and the furniture belonging thereto, shall not be used for any purpose whatever except for the sessions of the said several bodies, and said rooms shall, during the recess of their session, be kept closed under the care and charge of said superintendent.
- Contract for wood, stationery, &c.**      § 12. It shall be the duty of said superintendent of territorial property, to contract annually for the delivery of the necessary amount of wood, stationery and candles, required for the use of the legislative assembly, to be delivered at the capitol to the superintendent, previous to the annual session of the general assembly; and the superintendent's receipt shall be the voucher upon
- How and when delivered.**

which the accounts of the contractors are to be audited and allowed.

§ 13. That all stationery, wood, &c., for the use of the legislative assembly, shall be delivered to the respective officers of the legislative assembly, upon the order of the chief clerk, which order shall be the voucher for said superintendent to settle his accounts. Contract, with whom made.

§ 14. That the superintendent shall, in all contracts, take such steps as he may deem most wise, to make contracts for the above articles with such person or persons as will furnish them on the lowest bid.

Re-considered, and unanimously passed by the council, March 23, 1843—thirteen votes in the affirmative.

JOHN V. INGERSOLL, Secretary.

Re-considered, and approved by the house of representatives, March 24, 1843—ayes 24, noes 2—two-thirds of all the members having voted for the bill.

JOHN CATLIN, Chief Clerk.

## AN ACT to incorporate the Prairieville Manufacturing Company.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That all persons that may be associated together as stockholders under this act of incorporation, and their successors and assigns, be, and are hereby, ordained, constituted, and declared to be, a body politic and corporate, under the name and style of the Prairieville Manufacturing Company, and by that name shall have all the privileges and immunities of a corporation, shall be capable of suing and being sued, defending and being defended, in all courts and places whatsoever, may have a common seal and change the same at pleasure, and generally may do all such acts and things as to them shall lawfully appertain to do. Who shall compose company Name, &c. Sue &c., Common seal.

§ 2. The capital stock of said company shall consist of fifty thousand dollars, divided into shares of one hundred dollars each; and such shares shall be deemed to be personal property, and may be transferred in such manner as provided for in section nine of this act.

§ 3. J. H. Kimball, S. H. Barstow, and A. W. Randall shall be commissioners to receive subscriptions to the capital stock of said company, who shall give at least ten days notice in some



newspaper published in the county of Milwaukee, of the time and place, in the town of Prairieville, when and where such subscriptions will be received; and a majority of such commissioners shall appoint one or more of their number to attend at such place, and shall continue the subscriptions to the capital stock of said company until at least one half of the aforesaid fifty thousand dollars shall have been subscribed. Whereupon, the said commissioners shall proceed to distribute said stock so subscribed for. *Provided,*

10 per cent. to *also*, that ten per cent. in specie on such share shall be paid to the be paid in. commissioners at the time of subscribing:

Notice to elect § 4. The commissioners, or a majority of them, shall, as soon directors. as the aforesaid stock shall have been distributed, or within thirty days thereafter, proceed to call a meeting of the stockholders, at such time and place as may be deemed fit, by giving at least three days notice, for the purpose of electing directors, who shall hold their offices until others are elected, as hereinafter provided.

Elections, how § 5. The annual election of directors shall take place on the conducted. first Monday of May in each year, and in case of neglect to hold such election, the president may appoint some other day for said election to take place, by giving at least thirty days notice in some newspaper published in the county of Milwaukee; and at every such election, and at every other meeting of said stockholders, for whatever purpose called, each share of stock shall be entitled to one vote, and a majority of the votes received shall be necessary to determine any question; and at every such meeting the said stockholders may vote in person, or by proxy duly authorized for that purpose.

Hold real es- § 6. The company shall be capable of purchasing, holding, tate. leasing, and conveying, real and personal estate, and all deeds executed by the president and treasurer in the name of the company, shall be sufficient in law to convey the title of the company to the lands therein described; and said company shall have power

May construct § 7. The company shall have power to construct dams, canals, or water ways, and reservoirs, erect water power. mills and machinery to be moved by water power, on any land owned by them in the town of Prairieville, in the county of Milwaukee, for the purpose of manufacturing flour and other commodities for market. *Provided:* that the real estate to be owned by

Proviso. said company shall be only such as is necessary for the convenient transaction of the manufacturing operations of said company, or such as shall have been bona fide mortgaged or conveyed for the

security or payment of a precedent debt, owing to said company. *Provided, further,* that the general law, approved January 13, 1840, relating to mills and mill dams, shall be, and is hereby, declared to be applicable to any dam which may be constructed by virtue of this act.

§ 7. The business of said company shall be managed by a Company how board of five directors, who shall be stockholders, and shall be <sup>managed.</sup> elected as hereinbefore prescribed, and by ballot; and such directors shall elect one of their number for president, and shall respectively serve one year, and until others are chosen.

§ 8. The said directors shall meet at such times and places, <sup>Duties of</sup> and be convened in such manner as they shall hereafter decide. <sup>directors.</sup> Three directors shall form a quorum for the transaction of business, and in the absence of the president they may appoint a president pro tem. The said directors may appoint a secretary, treasurer, and all such other officers as they shall deem expedient, and shall fix the compensation of all the officers of said company, <sup>Compensat'n.</sup> and define their duties; and they shall have full power to decide the time, manner, and proportion in which the stockholders shall pay the amount due on their respective shares, and to forfeit to <sup>Shares, forfeit.</sup> the use of the company the shares of every person failing to pay any instalment so required within a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall have power to order and superintend all receipts and disbursements, and other proceedings of the said company, by themselves or their agents, and make such bye-laws, <sup>Bye-laws, &c.</sup> rules and regulations as they shall deem needful and proper, touching all such matters as appertain to the business and concerns of said company; *Provided,* such bye-laws, rules and regulations are <sup>Proviso.</sup> not repugnant to the laws of the United States, or of this territory.

§ 9. The stock of said company shall be transferable and as <sup>Stock assigna-</sup> assignable in such manner as the directors shall prescribe; but no <sup>ble.</sup> transfer shall be valid and effectual, until the same shall be registered upon the books of the company, nor until the person making the same shall have previously discharged all debts due by him to the company.

§ 10. If at any election for directors, any two or more persons <sup>Tie, how deci-</sup> shall have an equal number of votes, then the directors who shall <sup>ded.</sup> have been duly elected, shall proceed by ballot to determine which

of said persons are directors; and in case of removal from this territory, death, or resignation, of any of said directors, the remaining directors shall proceed to fill such vacancies from among the stockholders.

**Make report.** § 11. It shall be the duty of said directors to make, or cause to be made, annually, on the first Monday of May in each year, a report of the affairs of said company, and file the same with the President for the inspection of any or all of the stockholders of said company, and shall make dividends of so much of the profits as they shall deem advisable for the interest of the company.

**Individually liable.** § 12. The stockholders in said company shall be liable in their private and individual capacity for the debts of said company, in the same manner, and to the same extent as partners are liable at law for partnership debts; and any person having demands against said company may sue the said company in their corporate name, or any individual liable as aforesaid: *Provided*, that execution shall be first levied upon the property of said company; if any property of said company can be found; and the stock property of said corporation shall be subject to the same taxation as other property, and to be taken and sold on execution to satisfy any debt against said corporation, in such as is or may be provided by law.

**May be sued.** § 13. Any suit commenced against individuals charged with the debts of the company, shall not be abated because all the parties or stockholders are not named as defendants in such suits.

**Taxable.** § 14. The legislature of the territory or future state of Wisconsin may at any time alter, amend or repeal this act, on notice being given to the president or secretary of said company at least ten days previous to any action being taken thereon by the legislature.

**Suits not to abate.** § 15. The office of said company shall be kept in the town of Prairieville, at such place in said town as the directors of said company may direct.

**Repeal.** § 16. Any person who shall have been made liable as a partner in said company, and has paid any sum of money on account of such liability, may have and maintain an action of assumpsit against any or all of the stockholders in said company, to recover from them the proportion due from each respectively of the demand so paid by him, according to the number of shares by them respectively owned or held, of the stock of said company.

**Office, where kept.** APPROVED, April 4, 1843.

**Partners may sue other partners.**

# AN ACT to authorize Henry Thien to build and maintain a dam on the Milwaukee river.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That Henry Thien and his associates, successors and assigns To build dam. be, and they are hereby, authorized to build and maintain a dam across the Milwaukee river, upon the north-west fractional quar- Where. ter of section twenty-three, in township nine north, of range twenty-one east, in the county of Washington, to erect mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, that may be deemed necessary for the facilities of business. *Provided*, that the lands upon which said dam Proviso. and its appurtenances are constructed shall be owned by the said Henry Thien or his associates.

§ 2. The said dam shall not exceed three feet rise above the Height of dam. surface of said river at high water; the said Henry Thien and his associates, successors and assigns, shall construct and maintain in said dam a convenient lock or locks, each eighty feet long, be- Locks. tween the gates, and thirty feet wide, in the clear, for the free passage of all boats and other water craft, and shall attend upon the same, and pass and repass all such boats and water craft free of expense to the owners or navigators thereof.

§ 3. The said Henry Thien, his associates and successors, Slide. shall construct, and keep in good repair, a sufficient slide, not less than thirty feet wide, and so constructed as not to cause a fall of more than three feet to every twelve feet of smooth surface, to admit of the passage of all rafts of timber, &c. down the said stream.

§ 4. The said dam shall be subject to all the provisions of an act of the legislature of this territory, entitled "an act in relation to mills and mill-dams," approved 13th January, 1840.

§ 5. The legislature may at any time repeal, alter or amend Repeal. this act.

APPROVED, March 25, 1843.

**AN ACT to legalize the proceedings of the inhabitants of Winnebago county, in the organization of said county.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Election &c. § 1. That the proceedings of the electors of the county of Winnebago, at the election held at the house of Webster Stanley, on the first Monday of April, A. D. 1842, are hereby declared Shall be legal. to be valid and effectual, to all intents and purposes; and the acts and doings of each and every of the county and town officers elected at said election, shall not be impeached or set aside for the reasons of the said elections not having been held at the place designated in the "act to organize the counties of Calumet and Winnebago, and for other purposes," approved February 18, 1842.

APPROVED, March 29, 1843.

**AN ACT to authorize Levi Godfrey, Philo Belden, and Hiland S. Hulbert, to build and maintain a dam on Fox river.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Who to build dam. § 1. That Levi Godfrey and his associates, successors, and assigns be, and they are hereby, authorized to build and maintain a dam across the Fox river, upon any part of section eleven and two, town three, range nineteen, in town of Rochester, county of Racine; to erect mills or other machinery; or in any other manner to make use of the water, for hydraulic purposes, that may be deemed necessary for manufacturing facilities. *Provided*, that the said lands upon which said dam and its appurtenances are constructed, shall be owned by said Levi Godfrey or his associates.

Proviso.

Slide.

§ 2. The said Levi Godfrey, his associates and successors, shall construct, and keep in good repair, a sufficient slide, not less than fifteen feet wide in the clear, and so constructed as not to cause a fall of more than three feet to every twelve feet of horizontal surface, to admit of the passage of fish, &c.

Subject to other acts.

§ 3. The said dam shall be subject to all the provisions of an act of the legislature of this territory entitled "an act in relation to mills and mill dams," approved 13th January, 1840.

§ 4. The legislature may at any time repeal, alter, or amend Repeal, this act.

APPROVED, March 29, 1843.

## AN ACT to authorize the village of Racine to raise money, and for other purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That the trustees of the village of Racine shall have Special tax for power, for three years, to levy a special tax, not exceeding five harbor. thousand dollars annually, for the purpose of constructing a harbor at the mouth of Root river.

§ 2. That the said tax shall be levied on the following pro-On what prop-erty and no other, to wit: all lands, town lots and out lots, which are not exempted from taxation by the laws of the United States or of this territory, and not including any improvements made thereon, either in building or otherwise.

§ 3. That if the said trustees shall levy such a tax the present Tax list year, the clerk of said village shall, as soon as he shall be notified thereof, make out tax lists of the same, and deliver the same to the treasurer, within one month, in the same manner as it is his duty to make out tax lists by the fifth and sixth sections of an act passed February 16, 1842, entitled "an act to amend an act entitled 'an act to incorporate the village of Racine.'"

§ 4. That upon the receipt of said tax list, and within one Notice. month thereafter, the treasurer of said village shall proceed to advertise and collect said taxes, in the same manner as it is his duty, to advertise and collect taxes by said act, passed February 16, 1842.

§ 5. That after the present year, the said tax shall be levied Manner of col- and collected at the same time and in the same manner that taxes lecting. are required to be levied and collected by said act passed February 16, 1842, except that they shall be levied on lands and lots, exclusive of improvements, as aforesaid.

§ 6. That the tax thus levied for this year shall be a lien on Lien on real es- real estate from the time of the first advertisement of the treasu- tate. rer; and that the taxes levied after this year shall be a lien on real estate in the same manner as the taxes mentioned in said act passed February 16, 1842, are to be a lien.

Harbor.

§ 7. That the trustees of said village be, and they are hereby, authorized and directed to appropriate all of the money raised in pursuance of this law to construct a harbor at the mouth of Root river, and for no other purpose, in such manner as the said trustees may deem expedient.

Tax to be voted for yearly.

§ 8. No tax shall be levied under the provisions of this act in any year, unless two-thirds of the voters entitled to vote by the tenth section of this act shall have first, in each year, determined to raise such tax; and for the purpose of determining whether such tax shall be raised, the said trustees are hereby authorized, previous to the levying such tax in any year, to order a special election of the voters, as aforesaid, at such time and place, within said corporation, as may be designated by said trustees; and any such election shall be conducted in the same manner as other elections in said village are conducted for corporation purposes. *Provided*, that ten days previous notice be given for holding any such election.

Special election.

Notice of

May sell to United States.

§ 9. The trustees of said village are authorized to dispose of the works of said harbor to the United States, whenever an appropriation shall be made for such purpose by congress. *Provided*, that if congress make such appropriation, then the sum so appropriated shall be paid to the persons taxed in pursuance of this act, or their legal representatives, and to such other persons as may have contributed towards the construction of said harbor, in proportion to the sums so paid or contributed.

Refund tax.

Voters, qualifications of

§ 10. No person shall be allowed to vote at the first special election under this act, unless he shall be a freeholder in said village of Racine at the time of the holding such election, and for one month previous to the passage of this law; and at all subsequent elections, no person shall be allowed to vote at any special election under this act, unless he shall be a freeholder in said village. And it shall be the duty of the corporate authorities of said village to cause the name of each person voting at said election to be recorded at length in the book of records of said village, together with his vote in favor or against (as the case may be) the raising the sum of money authorized by this act.

Names to be recorded.

APPROVED, March 30, 1843.

## AN ACT to regulate the fees of clerks in cases of naturalization.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That the clerks of the several courts in this territory, for <sup>Clerk's fees.</sup> services under the several acts of congress upon the subject of naturalization, shall receive the fees hereinafter specified, and no more:

For entering a declaration to become a citizen of the United States, the sum of twenty-five cents;

For a certified copy of such declaration, under the seal of the court, fifty cents;

For entering the final admission of an alien to the rights of citizenship, twenty-five cents;

For a certified copy thereof, under the seal of the court, ~~say~~ cents.

APPROVED, April 1, 1843.

## AN ACT to authorize the construction of certain dams across the Rock river.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That William H. H. Bailey, A. Hyat Smith, and Charles <sup>Dam, how and</sup> Stevens, their associates and assigns, be, and they are hereby, <sup>by whom constructed.</sup> authorized to erect and maintain a dam across the Rock river, at any point they may deem most suitable, on any land they may own in section number thirty-six, or on any land they own or may own within eighty rods of the north line of said section number thirty-six, in town number three, north, of range twelve, east, and to make use of the water in said stream for propelling any kind of machinery they may see fit to erect; and they may sell or lease the right to use said water to any person whatsoever.

§ 2. Said dam shall be raised to such a height as will give a <sup>Height of</sup> fall of not more than two feet nine inches at the present stage of said Rock river, and shall contain a suitable and convenient lock, Lock, &c. not less than one hundred and twenty feet long between the gates, and not less than twenty-four feet wide in the clear of the chambers, for the passage of boats, barges, and other watercraft; said lock to be in readiness for the passage of boats, barges,



and water craft at the time of the completion of said dam. And the said Bailey, Smith, and Stevens, their associates and assigns, shall maintain said lock, and shall attend to the passage of all such boats, barges, and water craft, through said lock, free of all charge to the owners thereof.

Height of water, how ascertained.

§ 3. For the purposes of ascertaining the present stage or height of water in Rock river at the place where it is proposed to erect said dam, John P. Dickson, John L. Kimball, and Horace White, shall be commissioners to visit and ascertain the height of water by actual inspection, and that said commissioners shall set up some permanent mounds or posts, and mark the same with the height of water: *Provided*, that such observation shall be made on or before the first day of April next, and provided further, that such examination and ascertainment shall be at the expense of the persons hereby authorized to construct said dam.

Marks.

Proviso.

Slide.

§ 4. The said Bailey, Smith, and Stevens, their associates and assigns, shall, whenever they construct said dam, construct also a slide or chute, in such manner as to allow the passage of rafts over said dam, as well as to permit the ascent and descent of fish in said stream; and the construction of said dam, lock, and slide or chute, shall be commenced within one year, and completed within three years.

Flowing, &c.

§ 5. The said Bailey, Smith, and Stevens, their associates and assigns, shall, in respect to flowing land, the damages to be paid therefor, and the manner of recovering said damages, be subject to all the provisions of an act relating to mills and mill dams, approved January 13, 1840: *Provided*, that this act shall not be so construed as to give the said William H. Bailey, and his associates, any authority to set back the waters of Rock river farther than within forty rods of the west line of section fourteen, town three, range twelve.

Dam, where and by whom constructed.

§ 6. That Ira Hersey, A. L. Field, and their associates, successors and assigns, be, and they are hereby, authorized to build and maintain a dam across the Rock river, on any land they own or may own in section number thirty-five or twenty-six, in town one, north, of range twelve east; said dam to be of the same height as the one by this act authorized; and the said Hersey, Field, their associates, successors, and assigns, shall have the same powers and privileges, and be subject to the same limitations and restrictions as are hereby granted or applied to the said Bailey, Smith,

and Stevens, their associates and assigns: *Provided*, said Ira Proviso. Hersey, A. L. Field, their associates, successors and assigns, may construct the said dam four feet above the usual low water mark. The legislature of the territory, or the future state of Wisconsin, may at any time alter, amend, or repeal this act.

§ 7. The said dams shall be placed at the foot of the rapids or chute, if any, on sections within eighty rods of the north line of said section thirty-six, or on said sections thirty-five or twenty-six, aforesaid, so that the lock shall open to the deep water below the said dam; and the said locks aforesaid sufficient water for a boat drawing three feet of water. Dams and locks, where built.

APPROVED, April 1, 1843.

## AN ACT in relation to the duties of certain territorial officers.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. All territorial officers, of whom an annual report is required to be made to the legislative assembly by any law of this territory, shall be made on or before the fourth day of April next; and all such officers shall hereafter make their report within eight days of the commencement of each annual session, and at such other times as they shall be required to do so by either house of the legislative assembly. Report.

§ 2. If any officer or officers shall neglect or refuse to comply with any of the provisions of this act without sufficient cause, he or they, as the case may be, shall be liable to such fine as shall be determined upon by any court of competent jurisdiction, not exceeding five hundred dollars and costs of prosecution. May be fined.

§ 3. Prosecutions for the recovery of such fines may be commenced by any citizen of the territory; and the amount of fine so collected shall be paid into the territorial treasury. Prosecution.

§ 4. This act shall take effect from and after its passage. Take effect.

APPROVED, March 30, 1843.

## AN ACT to abolish certain offices therein named.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Commissioners  
to appoint at-  
torneys.

§ 1. That the office of district attorney is hereby abolished; and the board of county commissioners, or board of supervisors of the several counties in the territory are hereby authorized and required, from time to time, to employ some capable attorney or attorneys, within their respective counties, who shall perform all the duties now devolving by law upon district attorneys, for which the person or persons so employed shall receive such compensation as the said boards of commissioners or supervisors may determine: *Provided*, that the fees now allowed by law to district attorneys shall be taxed in favor of, and paid into, the county treasury.

Fees.

§ 2. That so much of an act of the statutes of the territory entitled "an act concerning the attorney general and district attorneys," as provided that the attorney general shall receive a yearly salary of two hundred and fifty dollars, is hereby repealed; and the attorney general shall hereafter receive such compensation for his services as the legislative assembly may think proper.

Attorney Gen-  
eral, pay of

Proviso.

§ 3. This act shall not be so construed as to repeal the present law in relation to district attorneys, until the boards of county commissioners or supervisors shall have appointed some person or persons in their respective counties to discharge the duties of such office.

April 15, 1843—On re-consideration the bill was passed—the ayes being 10; the noes 2.

JOHN P. SHELDON, Secretary of Council.

Re-considered, and approved by the house of representatives, April 17, 1843—17 member voting for, and 8 against, the bill—and the house consisting of twenty-five members.

JOHN CATLIN, Chief Clerk.

## AN ACT to legalize certain township elections, and the official acts of township officers elected in April, 1842.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Elections and  
official acts le-  
galized.

§ 1. That the elections held on the first Tuesday in April, A. D. 1842, in the several towns in the counties which have adopted

and are governed by the provisions of "an act to provide for the government of the several towns in this territory, and for the revision of county government," approved February 18, 1841, shall not be deemed invalid by reason of any informality in conducting said elections; or in the qualifying of any of the officers so elected, or who conducted any of said elections; but the said elections, and the official acts of the several officers elected in said towns are hereby declared to be legal and valid.

APPROVED, April 1, 1843.

## **AN ACT to provide for punishing the crime of embezzlement by public officers.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That if any collector or treasurer of any town or county, or incorporate city, town, or village, or the treasurer or other disbursing officer of the territory, or any other person holding an office under any law of this territory, or any incorporated company, who now is, by virtue of his office, or shall hereafter be, intrusted with the collection, safe keeping, receipt, transfer, or disbursement of any tax, revenue, fine, or other money, shall convert to his own use, in any way or manner whatever, any part thereof, or shall loan, with or without interest, any portion of the money intrusted to him as aforesaid; or who shall wilfully neglect or refuse to pay over the same, or any part thereof, according to the provisions of law, so that he shall not be able to meet the demands of any person lawfully demanding the same, whether such demand be made before or after the expiration of his office, he shall be deemed and adjudged to be guilty of an embezzlement of so much of the said moneys as shall be thus taken, converted, used, loaned, or retained; which is hereby declared to be a felony. Officers liable.

§ 2. That any person who shall be guilty of embezzling any money prohibited by this act, not exceeding in amount the sum of one hundred dollars, shall, upon conviction thereof, be punished by imprisonment in the county jail, not less than three nor over twelve months; and any person who shall be convicted of embezzling a greater sum than one hundred dollars, shall be punished by imprisonment, in the state prison, not more than three years, nor less than one year, and by a fine, in each case, of twice the amount so embezzled; and if the court cannot determine, from the Imprisonment.

Accessory.

verdict of the jury, or otherwise, the amount of the sum embezzled, they shall impose such fine as, in their discretion, shall be adequate and corresponding, as nearly as may be, with the penalty imposed by this section; and every refusal, by an officer, to pay any sum lawfully demanded, shall be deemed an embezzlement of the sum so demanded.

§ 3. Any person, demanding of any officer any sum of money, which he may be entitled to demand and receive, who shall be unable to obtain the same, by reason of the money having been embezzled, as aforesaid, if he shall neglect or refuse, for thirty days after making such demand, to make complaint against such officer, shall be deemed an accessory, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars.

Refusal to pay specie.

§ 4. The refusal of any officer to pay any demand in specie, where the sum so demanded was actually received by such officer, in good faith, in checks, drafts, certificates of deposit, or currency, which may have depreciated in value, provided payment be tendered in the checks, drafts, certificates of deposit, or currency, received by such officer, shall not be construed to be an embezzlement, according to the intent and meaning of this act.

Set-offs not allowed.

§ 5. That every officer, or other person, shall pay over the same money that he may have received in the discharge of his duties, and shall not set up any account as a set-off against any money so received; and that all justices of the peace, clerks of the county, sheriffs, and other officers, shall pay into the respective treasuries all the moneys collected on fines, within thirty days after said moneys may be collected.

Prosecution.

§ 6. All prosecutions under this act shall be by indictment, and may be commenced by complaint made before any justice of the peace; and the residue of all fines hereby imposed, exceeding the sum of one hundred dollars, shall accrue to the territory, and all fines of one hundred dollars, after deducting the costs of prosecution, and under, shall accrue to the county in which the conviction is had.

Fine, where paid.

§ 7. All acts and parts of acts, contrary to the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.

Acts repealed.  
Take effect.

APPROVED, April 1, 1843.

# **AN ACT to change the boundaries of certain towns therein named.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. The district of country comprised in townships number Depere. twenty-one, twenty-two, and so much of township twenty-three, in range twenty-two, as is comprised in sections from numbers thirteen to thirty-six, inclusive, and townships number twenty-one, twenty-two, and twenty-three, in ranges twenty-three, twenty-four, and twenty-five, in the county of Brown, is hereby attached to, and made a part of, the town of Depere, in said county.

§ 2. All of surveyed townships twenty-three, in range twenty- Green Bay. two, not included in the town of Depere, and all that district of country now constituting the towns of Bay Settlement, Pasaukie, Howard, and Oconto, are hereby attached to, and made a part of the town of Green Bay.

§ 3. The district of country as follows, to wit: surveyed town- Kaukaulin. ships twenty-one and twenty-two, in ranges eighteen and nineteen, and township twenty-one, in ranges twenty and twenty-one, south and east of Fox river, in the county of Brown; and the district of country on the west and north of said river, bounded as follows, to wit: on the west by the range line extended north between ranges seventeen and eighteen, east; on the north by the north line of the grant to Eleazar Williams, extended northwestwardly until it intersects said range line last mentioned, and on the east and south by the Fox river, are hereby declared to be and constitute the town of Kaukaulin, in said county.

§ 4. The town of Butte des Morts, in the county of Winneba- Winnebago. go, shall hereafter be known by the name of Winnebago, and shall embrace all the district of country included in the limits of said county.

§ 5. Future elections and town meetings in the town of Win- Election, nebago, shall be held at the house of Webster Stanley, in said where held, town, until otherwise ordered by a vote of the electors thereof, as authorized by law.

**APPROVED, April 1, 1843.**

**AN ACT to authorize Silas Peck and David L. Wells to construct and maintain a dam across the Fox river.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Authority to  
build dam.

§ 1. That Silas Peck and David L. Wells be and are hereby authorized and empowered to build and maintain a dam across the Fox river, in the county of Racine, on section thirty-two, in township three north, of range nineteen east of the fourth principal meridian, on any lands owned, or to be owned by them, sufficient to create a head of five feet water, and to make use of the same for hydraulic purposes.

Slide or chute.

§ 2. That the said dam, when so constructed, shall contain a slide or chute, not less than fifteen feet wide in the clear, and having a fall of not more than three feet in twelve of smooth surface, for the free passage of fish.

When to be  
completed.

§ 3. The said dam shall be built and completed within the period of ~~one~~ years from the first day of July, eighteen hundred and forty-three, or all the privileges herein granted shall be null and void.

To what law  
subject.

§ 4. That the general law, approved January 13th, 1840, relating to mills and mill-dams, shall be and hereby is declared to be applicable to any dam which may be constructed by virtue of this act.

Power to alter,  
amend, &c.

§ 5. This act may be altered, amended, or repealed at any time, by the legislature of this territory, or the future state of Wisconsin.

APPROVED, April 1, 1843.

**AN ACT to legalize the official acts of James H. Lockwood.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Acts declared  
legal.

§ 1. That the official acts of the said James H. Lockwood, heretofore performed by him, as judge of probate for the county of Crawford, shall in no wise be affected for the reason that the said acts were performed by him after his term of service as such judge of probate had expired; but all such official acts, and every pro-

ceeding of said James H. Lockwood, as such judge of probate, are hereby declared to be as legal and valid, as though the term of service of the said James H. Lockwood had not expired when the said official acts were performed, and said proceedings were had.

§ 2. This act shall take effect from and after its passage. Take effect.

APPROVED, April 7, 1843.

**AN ACT to authorize the register of deeds of Washington county to procure certain records in the office of the register of deeds of Milwaukee county.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That the register of deeds of Washington county is here- Records, by  
by required to procure from the records in the office of the regis- whom and  
ter of deeds of Milwaukee county, true and exact copies of the how obtained.  
records of all deeds, mortgages, and other instrument recorded  
in the office of register of deeds of said county of Milwaukee,  
which relate to or affect lands or real estate situate within the  
limits of Washington county, and record the same in a book, or  
books, to be procured by him for that purpose.

§ 2. That the register of deeds of Washington county shall Certified to.  
affix to said records, so copied, a certificate, under oath, stating  
that, as such register, he procured the said records in pursuance  
of this, and that they are true and exact copies of all such original  
records.

§ 3. That the register of deeds of Milwaukee county shall Permit to take  
permit the register of deeds of Washington county to have access copies.  
to the records of his office, for the purpose of procuring such  
copies.

§ 4. The copies of such records, made and certified as herein Effect,  
provided, shall have the same force and effect as the original  
records.

§ 5. The register of deeds of Washington county shall be paid Compensation  
from the treasury of said county for performing the duties herein of register.  
enjoined upon him, and for arranging and preparing an alphabeti-  
cal index to the records by him copied, the same compensation to  
which he is now entitled by law for recording deeds and other  
papers.



To take effect. § 6. This act shall take effect from and after its passage.  
APPROVED, April 5, 1843.

## AN ACT for the collection of certain taxes in the county of Milwaukee.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Transcript  
roll, how made  
and to whom  
delivered.

§ 1. That the town clerk of the town of Summit, in the county of Milwaukee, is authorized and directed forthwith to make out and issue the transcript roll of said town, for the year A. D. 1842, including the town and county tax of said town for said year, to the collector thereof, pursuant to sections three, four and five, of part four, chapter nine, of the act entitled "an act to provide for the government of the several towns of this territory, and for the revision of county government."

Duties of col-  
lector.

§ 2. And said collector is authorized and directed to collect the taxes mentioned in such transcript roll, so to be issued to him, in the same manner as he is required to collect town and county taxes by said act; and to make return of said roll, together with the precept and his doings thereon, pursuant to said act, to the office of said clerk, on or before the first day of June next.

Delinquent  
lands, returned  
and sold.

§ 3. And said clerk shall, on or before the first day of July next, make return of such delinquent lands in said town, as may appear from the return of said collector, and the taxes thereon, agreeably to the provision of said act; which lands, so returned, may be sold in the same manner as other delinquent lands, required to be returned by said act, are sold.

To take effect.. § 4. This act shall take effect and be in force from and after its passage.

APPROVED, April 6, 1843.

## AN ACT to authorize Clouden Stoughton and Luke Stoughton to build and maintain a dam across the Rock river; and also to authorize Anson W. Pope and Virgil Pope to build and maintain a dam across said stream.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Dam,

§ 1. That Clouden Stoughton and Luke Stoughton, their as-

sociates, successors and assigns, be and they are hereby authorized by whom constructed. to erect and maintain a dam across the Rock river, on any land they may own on section number twenty-one, in town number four, in range twelve, or on section number sixteen, if thereunto authorized by competent authority, and to make use of the water in said stream for propelling any kind of machinery they may see fit to erect; and they may sell or lease the right to use said water to any person whatever.

§ 2. Said dam shall not be raised more than four feet above the ordinary height of water in said stream, and shall contain a suitable and convenient lock, not less than one hundred and twenty feet between the gates, and not less than twenty-four feet wide in the clear of the chamber, for the passage of boats, barges and the other water craft; said lock shall be in readiness for the passage of boats, barges and other water craft, at the time of the completion of said dam. And the said Clouden Stoughton, Luke Stoughton, their associates, successors and assigns, shall maintain said lock, and shall attend to the passage of all such boats, barges and water craft through said lock, free of all charge to the owners thereof: *Provided, further*, that said lock shall be so constructed as to convey boats, barges and other water craft through said lock to the deep water below the rapids on which the said dam shall be constructed. Dimensions of dam, &c.

§ 3. The said Clouden Stoughton and Luke Stoughton, their associates, successors and assigns, shall, whenever they construct said dam, construct also a slide or chute, in such manner as to allow the passage of rafts over said dam, as well as to permit the ascent and descent of fish in said stream, and the construction of said dam, lock and slide or chute, shall be commenced within one year, and completed within three years. Lock.

§ 4. The said Clouden Stoughton and Luke Stoughton, their associates, successors and assigns, shall, in respect to flowing land, the damages to be paid therefor, and the manner of recovering said damages, be subject to all the provisions of an act relating to mills and mill-dams, approved January thirteenth, eighteen hundred and forty. No. 48, 1840. Subject to former law.

§ 5. That Anson W. Pope and Virgil Pope, their associates, successors and assigns, be and they are hereby authorized to erect and maintain a dam across Rock river, on any land they may own in sections number fourteen and fifteen, in town number three To construct dam, &c.

north, of range twelve east, of the same height as the one, the construction of which is herein above authorized. And the said Anson W. Pope and Virgil Pope; their associates, successors and assigns, shall have the same privileges, and be subject to all the limitations and restrictions; which are by this act granted or applied to the said Clouden Stoughton or Luke Stoughton, their associates, successors and assigns: *Provided*, however, that the said Anson W. Pope and Virgil Pope, their associates, successors and assigns, shall have power to construct a canal on or over any part of said sections; numbers fourteen and fifteen, which they may own; which canal shall contain not less than three feet of water, and shall be of capacity sufficient to receive a boat or barge twenty-four feet wide, and shall contain a lock, in all respects like the one above described: *Provided, further*, said canal, and the lock in it, shall be so constructed as to convey boats, barges and other water craft around any rapids within eighty rods of the said dam, and to permit the said boats, barges and other water craft to enter the said river in deep water below said rapids; and the said Anson W. Pope and Virgil Pope, their associates, successors and assigns, shall attend to the passage of boats, barges and other water craft, free of charge.

Proviso.

lb.

Provision.

§ 6. In case the said Anson W. Pope, Virgil Pope, their associates, successors and assigns, shall construct the canal and lock as above provided, it shall not be necessary to construct a lock in the said dam.

§ 7. This act may at any time be repealed by the legislature:

APPROVED, April 7, 1843.

*Exp: 14 May 1849.*

AN ACT to amend an act, entitled "an act to provide for the government of the several towns in the Territory, and for the revision of county government."

*Law 1842*  
*19, 65,*  
*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Supervisors  
to annex cer-  
tain towns.

§ 1. If there shall be any portion of any county which shall not be embraced in the limits of an organized town, the board of supervisors of such county shall have power to annex such portion not so embraced, to any adjoining organized town, for all township purposes; and the powers and duties of the town officers of such organized town, and of said board of supervisors, shall ex-

Duties of of-  
ficers.

tend to and be exercised over the portion of country so annexed, the same as if it constituted a part of such town.

§ 2. Should any town, from any cause, neglect to make out <sup>Proceedings in</sup> and return to the board of county supervisors their assessment <sup>case of neglect</sup> roll, as required by law, it shall be lawful for such county board to <sup>to return as-</sup> proceed in the usual manner to levy the county expenses for such year, upon such towns as shall have made returns as aforesaid.— But in all such cases, it shall be the duty of the county board for the next ensuing year, to apportion upon such town double the amount of such town's portion of taxes for the year so omitted, (the amount being ascertained by themselves from some former assessment,) and such town shall forfeit an equal amount, in addition to its yearly portion of county taxes for every year, until the assessments shall be made and returned according to law: *Provided*, <sup>Proviso.</sup> however, that if such omission to make or return the assessment as aforesaid, shall be caused by the refusal or inability of any town officer to discharge the duties required of him by law, it shall be lawful for the supervisors of such town to appoint some other person or persons, as the case may be, to perform such duties, and the said appointment shall be valid in law; and the persons thus appointed, shall be subject to all the provisions of law applicable to such officer: *And provided, also*, that the town su- <sup>per-</sup> pervisors shall have the same authority to appoint a collector under like circumstances, and the provisions of law shall apply in the same manner to such collector.

§ 3. If any town, at its annual town meeting, shall by vote de- <sup>Duties of su-</sup> termine not to elect separate boards of assessors, commissioners <sup>pervisors.</sup> of highways, or commissioners of common schools, or from any cause shall fail to elect such officers, the supervisors of such town shall do and perform all the duties, and be subject to all the provisions pertaining to any such office, whose duties they may be thus required to perform.

§ 4. At all general and other elections, except town meetings, <sup>Poll lists, du-</sup> two poll lists shall be kept by the clerks of the election, on which <sup>ties of inspect-</sup> shall be entered the name of each person whose vote shall be received; and the canvass of votes shall commence by a comparison of the poll lists, and the correction of any mistake that may be found therein, until they shall be found or made to agree; before the ballots are opened, they shall be corrected and compared with the corrected poll lists, and if the ballots shall be found to exceed

in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess. If two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed. Any member of the board of inspectors of election may act as a clerk of election; but every person acting as such clerk, shall, before any votes are received, take the oath required of such clerk by the act, entitled "an act to provide for and regulate general elections."

Clerk to take oath.

Poll book, how kept and delivered.

§ 5. The board of inspectors shall enclose and seal one of the poll books, under cover, directed to the clerk of the board of county supervisors of the county in which such election was held; and the packet thus sealed, shall be conveyed by one of the judges or clerks of the election, to be determined by lot, if they cannot otherwise agree, and delivered to the clerk of the board of supervisors, at his office, within nine days from the close of the polls; and the other poll book shall be deposited with the town clerk of the town where the election is held; and the said poll books shall be subject to the inspection of any elector who may wish to examine them; and if any judge or clerk of any election, after having received, or being deputed to carry the poll book of such election, as aforesaid, shall fail or neglect to deliver such poll book to the clerk of the board of county supervisors, within the time prescribed by law, save, with the seal unbroken, he shall, for every such offence, forfeit and pay the sum of five hundred dollars, for the use of the county, to be recovered by an action of debt, in the name of the board of county supervisors, in the district court.

Fine, imposed and collected.

Acts in force.

§ 6. All the provisions of the act, entitled "an act to provide for and regulate general elections," so far as applicable and not inconsistent with the provisions of this act, and the act of which this is amendatory, shall apply to and be in force as to all elections, except town meetings, in the several counties which have adopted the town and county system of government.

Town meetings.

§ 7. When the election at any town meeting is by ballot, the clerk of such meeting shall, before acting as such, take an oath and keep a poll list, as specified in the fourth section of this act; and at the close of the election the ballots shall be compared with the poll list, and the like proceedings shall be had in all respects in canvassing the votes as is required in the said last named sec.

tion. The poll book kept at every town meeting shall be deposited with the town clerk.

§ 8. The reading of the statement of the result of the canvass Notice of the by the clerk of any town meeting, as required by law, shall be result. deemed notice of the result of the election to every person whose name shall have been entered on the poll list as a voter.

§ 9. The town clerk of every town, within ten days after any Notice of election. town meeting, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, or when no poll list shall have been kept, a notice of his election.

§ 10. The canvass of the votes given at any town meeting, or Canvass. election, may be had or continued after sun-down.

§ 11. Any person elected or appointed to the office of town File oath. clerk, may file his oath of office as soon as the same shall be taken and duly certified.

§ 12. The time allowed to the collectors of the several towns Time of making returns. in which to make returns of their transcript rolls, together with their precepts and doings thereon, to the town clerks office, is hereby extended to the third Monday of January, in each year; and the time allowed such collectors in which to pay over the amount of all taxes collected by them, is hereby extended to the fourth Monday of January in each year.

§ 13. Hereafter, the town clerks of each town shall make out Clerk, duty of. and forward to the county treasurer of the proper county, the certificate and attested copy of the collector's affidavit, as required by the tenth section of part first, chapter tenth, of the act of which this is amendatory, on or before the first Monday of January in each year.

§ 14. No collector or his sureties shall be liable on his bond, Collectors, not liable. as provided by the thirteenth section of part first, chapter tenth, of the act of which this is amendatory, for failing to pay over to the treasurer of any county, as required by law, any portion of the tax due such county, provided it shall be made to appear that such portion, not paid over, could not be collected on the precept or warrant of such collector.

§ 15. If, after the supervisors have made out the corrected Land omitted in assessment. assessment rolls, it shall be ascertained that any land or property liable to taxation, and which should be included therein, is not so included, by reason that the same has not been assessed, or from

any other cause, then it shall be the duty of the town supervisors of the proper town, at any time before the first Monday of January next, thereafter, to assess such land or property so omitted, if not already assessed for that year, and after ascertaining the amount of town, county, and territorial taxes payable thereon, in the proper columns of the tax roll of said town, with the name of the owner, if known, and the description of the land, and such taxes, so entered, shall be collected in the same manner that other taxes are collected; and the lands so assessed, in case the taxes thereon are not paid, shall be returned and sold in like manner as delinquent lands contained in the original transcript roll: *Provided*, however, that no land so added to the transcript roll, shall be assessed higher than any other lands, in the same town, of equal value, and that all lands and other property may, within twenty days after they shall be so added, be liable to be reduced in valuation by the town supervisors, in the manner provided by law for ascertaining the value of real and personal property liable to taxation.

Proviso.

Tax omitted.

§ 16. Whenever any assessor shall discover, during the time he is making his assessment, that there are tracts of land, town lots, or chattels, subject to taxation, in his town, which were liable to taxation in said town, and were omitted by the assessors, in one or more preceding years, he shall enter the same upon his roll, noting distinctly the years in which such omission was made, in the same manner as the assessment for the current year; but no such assessment shall be made for a longer period than one year back; and such assessment shall have the like force and effect as assessments made at the proper time, and the tax due thereon shall be charged and collected with the revenue of the year in which such assessment is made and levied; and town lots shall be subject to the taxes omitted, to be assessed as aforesaid, in whose hands soever they may come.

Tax sale, returns of, &c.

§ 17. The several county treasurers shall, as soon as may be, after the close of any sale of lands for taxes, return to the clerk of the board of county supervisors, in their respective counties, all papers and notices in relation to such tax sale; also a particular description of all tracts of land and town lots, designating the quantity of each sold by them, the names of the persons to whom sold, the amount for which each tract, part of tract, or lot, was sold, together with the names of the respective owners, if known;

and the said clerk shall record all such returns, so made to him, in a book of record, to be preserved in his office, and at all sales of lands and town lots hereafter had for the collection of any tax authorized by law, in any county of this territory, if a sum sufficient to pay the amount of said taxes and charges shall not be offered by any bidder, for any of the tracts of land or town lots so offered for sale, it shall be the duty of the officer conducting such sale to strike off, in the name of the treasurer of the proper county, all such lands or town lots not bid for, and execute to such treasurer a certificate of sale, as provided by law, for such tract or town lot; and it shall be the duty of such treasurer to exchange and assign such certificate to any person desiring such exchange or assignment, having drafts or warrants upon him of an amount equal to, or greater than, that mentioned in said certificate: *Pro-Provided*, that the treasurer shall not exchange or assign any such certificate for less than the par value thereof, and interest allowed by law for such certificate.

§ 18. The supervisors of the several towns may issue town orders for any sums due from their respective towns, which shall be received in payment for the town taxes of the same town in which they were issued.

§ 19. Appeals may be taken from all the decisions of any Appeals board of county supervisors to the district court of the same county, by any person or persons aggrieved thereby, in the same manner that appeals may be taken from the decisions of the boards of county commissioners.

§ 20. Whenever there shall be a contested election between two or more persons for the office of chairman of the board of supervisors, in any town, the board of county supervisors shall determine, on examination, which of the contestants is duly elected, and entitled to that office.

§ 21. If any assessor elected in any town, and required by law to serve as such, shall neglect or refuse to perform the duties of his office; or if any person elected town clerk, if required by law to serve as such, shall neglect or refuse to make out and deliver to the collector of such town a transcript roll and precept, as required by law, such assessor or town clerk, so neglecting or refusing, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, to be collected by the board of county supervisors, in an action of debt, for the use of the county.



**Organisation.**    § 22. All towns now organized, and in which no town meeting has been held, and all towns hereafter to be organized, shall organize, hold and conduct their first town meeting in the same manner as is provided by the act of which this is amendatory, for holding the first town meetings organized by said act; and such first town meeting shall be held on the day established by law, and no previous notice thereof shall be requisite.

**Town meeting when and where held.**    § 23. When in any year no place shall be fixed by any town for holding its subsequent annual town meeting, it shall be held at the place where it was held the year immediately previous; and all general elections shall be held at the place in each town

**Appoint another place.**    where the last town meeting was held: *Provided, however,* that the supervisors of any town may, when they shall deem it necessary, appoint some other place for holding any town meeting or election; in which case they shall give notice of the place of holding the same, by posting notice thereof in three of the most public places in their town, three days previous to any such town

**Ib.**    meeting or election; and, *Provided further,* that the supervisors of the town shall have power, when in their opinion the convenience of the inhabitants requires it, to appoint two or more places in such town for opening the polls and holding the general election, giving the like notice of the places so appointed by them;

**Ib.**    and, *Provided further,* that no such alteration of the place of holding town meetings shall be made in any town which shall have established the same by vote, as authorized by law, except in case of the destruction of such house by fire or otherwise.

**Brands, &c.**    § 24. It shall be the duty of the town clerk, in each town, on the application of any person residing in the same town, to record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep, or hogs; but the same description shall not be recorded for more than one resident of the same town.

**Chattel mortgage.**    § 25. Any mortgage of personal property may be filed in the office of the town clerk where the mortgagor executing the same resides; or, in case he is a non-resident of the territory, in the town where the property mortgaged may be at the time of executing the same; and such town clerk shall endorse thereon the time of receiving such mortgage, and shall keep the same in his office for the inspection of all persons interested; and such mortgage, so filed, shall be as valid and binding as if the same had

been recorded in the office of the register of deeds. For recording any mark or brand, the town clerk shall be allowed twelve and a half cents; for giving a certificate of the same, when required, twelve and a half cents; and for filing a chattel mortgage, six cents.

### OF COMMON SCHOOLS.

§ 1. Every school district which has been, or shall hereafter be, set off and organized according to law, shall be a body corporate and politic, capable of contracting and being contracted with, of suing and being sued, by its name or number; and the trustees of any such district are hereby authorized to conduct and manage for such district, any suit or proceeding for or against the same.

§ 2. All school districts heretofore organized under any law in existence at the time of their organization, shall be held to be regularly organized, and need not be re-organized, any law to the contrary notwithstanding. And every school district may at any annual meeting determine in what manner future district meetings shall be notified.

§ 3. The school commissioners of any town shall have power to call a district meeting in any district where no way has been provided at any annual meeting, whereby future meetings shall be held, or when no annual meeting has been held, and shall cause notices to be posted in three or more public places in said district, of the time when and place where said meeting shall be held, at least ten days before said time specified in said notices; and such meeting shall have the same power, in all respects, as the annual meeting.

§ 4. Any school district may vote a tax to purchase or lease a site for the district school house, and to build, hire, or purchase, keep in repair, and furnish such school house with the necessary appendages, not exceeding the sum of two hundred dollars in any one year, unless the commissioners of common schools of the town in which such district may be, shall certify in writing that in their opinion a larger amount ought to be raised, and shall certify the sum; in which case a sum not exceeding the amount so certified shall be raised: *Provided*, that in no case shall a sum exceeding three hundred dollars be raised for the purposes contemplated in this section. All school taxes shall be assessed in the manner now provided by law.

§ 5. It shall be the duty of every person sending a child to school, to provide his just proportion of fuel for such school, which

proportion shall be determined by the trustees of the district, according to the number of children sent by each; but such indigent persons as in the judgment of the trustees shall be unable to provide the same, shall be exempted from all such liability.

neglect to furnish.

§ 6. If any person liable to provide such fuel shall omit to provide the same, on notice from any one of the trustees, it shall be the duty of the trustees to furnish the fuel, and charge to the persons so in default the value of, or the amount paid for, the fuel furnished.

Moneys, how collected.

§ 7. Such value or amount may be added to the rate bill of the moneys due for instruction, and may be collected therewith, and in the same manner, or the trustees may sue for and recover the same in their name of office; with costs of suit.

Warrant.

§ 8. The warrant annexed to any tax list shall be under the hands of the trustees; or a majority of them; and shall command the collector to collect from any person, and from all property taxed in such list, the sum therein assessed; together with his fees,

How executed.

within sixty days from the date thereof; and such collector shall, within thirty days thereafter, personally demand the same of the persons charged therewith, if they be found within his town; and if such tax be not paid before the expiration of said thirty days, such district collectors shall then collect the same by distress and sale of personal property, in the same manner as town collectors are authorized to collect town and county taxes; and if the tax assessed on real property shall remain unpaid for the space of one month after the expiration of the time prescribed for the collection thereof, as aforesaid, provided sufficient personal property cannot be found on which to levy the same, the district collector shall report on affidavit the list of such delinquent taxes to the town clerk of the town in which such school district may be; and such clerk shall, in making out the duplicate assessment roll next thereafter, enter such delinquent taxes in a separate column thereon, to be collected in the same manner as other taxes; and said taxes, when so collected, shall be paid over to the district collector of the proper district, for the use of his district: *Provided*, that when there shall be a part of a school district in any town, the district collector shall make his returns, as aforesaid, to the town clerk of the town in which such part of any district shall be.

Proviso.

§ 9. The warrants issued by trustees of school districts for the collection of rate bills, shall be issued and executed in the same

5551 page #1 103  
45

manner, and shall have the like force and effect, as warrants issued by them on tax lists.

§ 10. If the sum or sums of money payable by any person may renew named in any tax list, or rate bill, issued by the trustees, shall not be paid by him, or collected by such warrant, within the time therein limited, it shall and may be lawful for the trustees to renew such warrant for thirty days, in respect to such delinquent person; or in case such person shall not reside within their district at the time of making out a tax list or a rate bill, or shall not reside therein at the expiration of such warrant, and no goods or chattels can be found therein whereon to levy the same, the trustees may sue for and recover the same in their name of office.

§ 11. Whenever there shall be a deficiency of moneys to pay Levy tax the teacher of any school district, after the return of the warrant issued on the rate bill, it shall be lawful for any school district to assess and collect a tax on all the actual residents in such district, in the same manner that they are authorized to assess and collect taxes for building school houses: *Provided*, that no tax to pay such deficiency shall be raised, unless two-thirds of all the legal voters attending the meeting when such tax shall be voted to be raised, shall vote in favor thereof. Proviso.

§ 12. All the moneys apportioned by the commissioner to any district, or separate neighborhood, which shall have remained in the town treasury for two years after such apportionment, by reason of the trustees neglecting to make the necessary returns to the clerk's office, as is provided by law, or by reason of their neglecting or refusing to receive such money, or because no school has been kept in such district, part of a district, or separate neighborhood, by a qualified teacher to whom such money may be paid, then such moneys so remaining shall be added to the moneys next thereafter to be apportioned by the commissioners, and shall be apportioned and paid therewith, and in the same manner. Where no school.

§ 13. Every free white male inhabitant of twenty-one years of age or upwards, who shall have resided in any school district for three months immediately previous to any district meeting, and who shall have paid any tax, or have had any tax assessed against him in the same year in which said meeting may be held, or the year next preceding, shall be allowed to vote at such meeting, and no other person shall vote at such meeting. Voters, qualifications of.

City of New York May 1847

THE LAYING OUT OF PUBLIC AND PRIVATE ROADS,  
AND OF THE ALTERATION AND DISCON-  
TINUANCE THEREOF.

**Alter roads.**     § 1. Any six or more freeholders of any town may apply to the commissioners of highways of the town in which they shall reside, to alter or discontinue any road, or to lay out any new road. Every such application shall be in writing, addressed to the commissioners of highways, and signed by the persons applying for the same.

**Survey to be recorded.**     § 2. Whenever the commissioners of highways shall lay out, alter, or discontinue any road, upon application or otherwise, they shall cause a survey or description to be made of such road, and shall incorporate such survey in an order to be signed by them, and to be filed and recorded in the office of the town clerk, who shall note the time of receiving the same.

**Where road shall not be laid.**     § 3. No public or private road shall be laid out through any orchard or garden; without the consent of the owner thereof, if such orchard be the growth of two years or more, or if the same have been cultivated for two years or more, before the laying out such road; nor shall any such road be laid out through any building, or any fixtures or erections for the purpose of trade or manufacture, or any yards or enclosures necessary to the use and enjoyment thereof, without the consent of the owners.

**Improvements appraised.**     § 4. No highway shall be laid out through enclosed, improved, or cultivated lands, without the consent of the owner or occupant thereof, except the same shall be appraised, and damages awarded to such owners, as is hereinafter provided for.

**Notice of application.**     § 5. Upon the application of six or more freeholders as aforesaid, for the laying out of a highway through any land, the commissioners of highways shall, thereupon, cause notice in writing to be posted up in three of the most public places of the town, (and which notices shall be posted up by the persons applying therefor,) specifying, as near as may be, the commencement and route of the proposed highway, the several tracts of land through which the same is proposed to be laid, if known, and the time and place at which the said commissioners will meet to make such examination and survey; and which notices shall be posted up, as aforesaid, at least six days before the said meeting. Should there be residents upon any of the lands proposed to be crossed by such roads, the commissioners shall require the applicants to serve each

of such residents with a copy of the said notice, or to leave a copy at his or her usual place of abode, at least three days before the time of such meeting.

§ 6. Upon being satisfied that the notices required by the Commission's preceding section have been given, as aforesaid, which may be shown by affidavit or otherwise, the commissioners shall then proceed to examine, personally, such highway, and shall hear any reasons that may be offered for or against laying out the same. If they shall be of the opinion that such highway is necessary and proper, they shall proceed to lay out the same.

§ 7. Having laid out such highway, the commissioners shall make out and subscribe a certificate, describing the road so laid out, particularly, by metes and bounds, and by its courses and distances, which shall be left with the town clerk, and filed as herein before required.

§ 8. The damages sustained by reason of the laying out and opening such road, may be ascertained by the agreement of the owner and commissioners of highways; but when such agreement cannot be made between the owner of the land and the commissioners, the same shall be made by the appraisal of the commissioners of highways, they being first duly sworn well and truly to appraise the damages under consideration.

§ 9. Every such appraisal, release, or agreement, shall be signed by such commissioners, and filed in the town clerk's office as aforesaid; and such agreement or release shall forever preclude such owner from all farther claim for such damages.

§ 10. If any person through whose land such road or highway is located, shall consider himself aggrieved by such appraisal or assessment of the damages of such road by the commissioners, he may apply to a justice of the peace within thirty days thereafter, who shall, upon such application, issue a precept to some constable of an adjoining town, neither interested nor of kin to any person interested in the land through which said road is laid, directing him to summon six disinterested freeholders of the town where such constable shall reside, and not of kin to the owner of such land, to re-assess the damages sustained by the laying of such road; and the said justice shall therein specify the time and place at which the said freeholders or jury shall meet: *Provided, however,* that such justice shall not be authorized to issue such precept until such applicant shall give to the commissioners of high-

ways, good and sufficient bond of indemnity, with one or more sureties, to be approved by such justice, conditioned to pay all costs arising from such appeal and re-assessment of damages, in case the jury should not award a larger amount of damages than was appraised by the commissioners of highways.

Jury of four.

§ 11. Upon such juries appearing, the justice of the peace shall draw, by lot, from of the names of the persons attending to serve as a jury, and the first four of the persons drawn who shall be free from all legal exceptions, shall be the jury to assess the said damages.

Hear evidence,  
&c.

§ 12. In all cases of the assessment of such damages, the persons or jury by whom the assessment is to be made, shall view and examine the premises, if required, or they deem it proper, and hear testimony, if necessary, having been previously sworn faithfully and impartially to discharge their duty, and shall make return of their assessment, under their hands, to the justice aforesaid.

Applicant to  
pay costs.

§ 13. If the award of the said jury shall not exceed the assessment of the commissioners of highways, the applicant or applicants for such jury shall pay all costs; but if the award shall exceed the said assessment of the commissioners, the amount of damages as finally settled by the jury, or as assessed by the commissioners as hereinbefore provided, together with the charges of the commissioners of highways, or of the jury, as the case may be, and the expenses of other persons and officers employed in making the survey or the assessment, shall be levied and collected within the town within which the highway shall be situated, and shall be paid by order of the commissioners of highways to the several persons to whom the same shall of right belong; the same having been previously audited and allowed, as other town accounts.

Expenses, how  
collected and  
paid.

Powers of  
commissioners

§ 14. The commissioners of highways shall also have authority to alter and discontinue any town roads, and shall proceed in all respects agreeably to the foregoing provisions for laying out new roads, and shall make returns in like manner to the town clerk.

Damages, how  
appraised in  
certain cases.

§ 15. When any person shall be the owner of any land over which any highway shall run, and such highway shall be discontinued in whole or in part, by reason of some other road to be established and laid out under this chapter through the land of the same person, the persons who shall assess the damages shall take into calculation the value of the road so discontinued and the ben-

efit resulting to such person by reason of such discontinuance, and shall deduct the same from the damages assessed for the opening and laying out of such road; and thereupon the owner of the land may enclose so much of the highway so discontinued as shall belong to him.

§ 16. Whenever a disagreement shall take place between the commissioners and the owner or owners of any land so taken and used, the same provisions shall apply as are provided for in the assessment of damages when new roads are laid out. Disagreement of com'rs, how determined.

§ 17. Whenever it shall become necessary to have a highway upon the line between two towns, such highway shall be laid out by two or more of the commissioners of highways of each of said towns, either upon such line or as near thereto as the convenience of the ground will admit, and they may also vary the same either to the one side or other of such line, as they may think proper. Road on town line.

§ 18. When the commissioners of highways of any town shall disagree with the commissioners of any other town, in the same county, relating to the laying out of a new road, or the alteration of an old road, extending into both towns; or when the commissioners of a town in one county disagree relative to the laying out a new road, and the altering of an old road, which shall extend into both counties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioners, and make their determination upon such subject of disagreement. When com'rs disagree.

§ 19. It shall be the duty of the commissioners when they shall lay out any highway upon the line between two towns, as contemplated by section seventeen, to divide it into two or more districts in such manner that the labor and expense of opening, working and keeping in repair such highway through each of said districts may be equal as near as may be; and to allot an equal number of the said districts to each of said towns. Roads to be districted and worked.

§ 20. Each district shall be considered as wholly belonging to the town to which it shall be allotted, for the purpose of opening and improving the road and for keeping it in repair; and the commissioners shall cause such highway, and the partition and allotment thereof, to be recorded in the office of the town clerk in each of their respective towns. District established and recorded.

§ 21. All highways heretofore laid out upon the line between any two towns shall be divided, recorded, and kept in repair, in the manner above directed.



Old roads on town line.

§ 22. The commissioners of highways shall also have authority to lay out and establish private roads through the land of any person or persons, upon the application of any freeholder whose residence shall be excluded from public highway, and for such purpose shall proceed in all respects, so far as the same shall be applicable, as required for laying out new roads: *Provided, also*, that the damages of the owner or owners of land through which such road shall be laid out, shall be ascertained and assessed in the same manner as if the same were a public highway; and provided, also, that all such damages and costs shall be paid by the person applying for such road.

Proviso, damages assessed and paid.

Width of roads.

§ 23. All public roads to be laid out by the commissioners of highways of any town shall not be less than three rods wide, and all private roads shall not be more than three rods wide.

Papers to be filed.

§ 24. All applications, certificates, and other papers relating to the laying out, altering, or discontinuing, any public or private road or highway, shall be filed by the commissioners of highways as soon as they shall have decided thereon, in the office of the town clerk of the town.

Objections to commiss'ns.

§ 25. Whenever any one or more of the commissioners of highways shall be interested in any lands over which any road or highway, or any private way, is petitioned to be laid out, or whenever any such commissioner shall be interested in the alteration of any old road, the town clerk shall be authorized to detail by lot, under his hand and certificate, one or more of the supervisors of the town, not disqualified as aforesaid, to fill the vacancy or vacancies in the board of commissioners of highways occasioned by reason of any such interest, in which case such supervisor or supervisors so detailed shall constitute a part of the board of commissioners of highways for such purpose; but it is herein *Provided*, that no such authority shall be exercised by such clerk without satisfactory proof being made, or being within the knowledge of such clerk, that the commissioner or commissioners objected to is or are interested as aforesaid; and, *Provided, also*, that no such alteration in the board of commissioners of highways shall be made, unless such commissioner or commissioners shall be objected to for the reasons aforesaid, by some person interested in such road, on or before the day appointed for viewing and locating the same.

Proviso.

§ 26. Whenever ordered by the board of commissioners of Clerk. highways, the town clerk shall act as clerk of said board.

### MISCELLANEOUS PROVISIONS IN RELATION TO ROADS.

§ 1. The following amendment shall be made to chapter ele- Amendment:  
ven, to wit: part first, section eleven, shall be so amended as to  
provide that no overseer of highways shall receive more than one  
dollar per day for any excess of highway labor over and above his  
taxes; part three, section four, is so modified that whenever any  
person shall elect to commute the whole or any part of his high-  
way tax, he may do so by paying one dollar for each day's work  
thus commuted.

Section nineteen, of part three, is hereby so amended as to Further  
provide that in computing the amount of arrearages of labor to be amendment:  
levied upon delinquent lands, the amount shall be estimated at  
one dollar per day, and no more; and section sixteen, of the same  
part, is so amended that every overseer of highways shall have till  
the first day of April in each year to make return of delinquent  
non-resident lands.

The following proviso shall be added to section ten, of part se- Proviso.  
ven, to wit: *Provided*, however, that no amount so collected shall  
ever exceed the sum of ten dollars for any one tree.

§ 2. No person shall be required to pay a poll tax for highway What age ex-  
purposes, who shall be over the age of fifty-five years. empt.

§ 3. It shall be lawful for any overseer of highways, or any May ditch, &c  
person or persons by his order, to enter upon any land adjoining on lands near  
or lying near the road in his district, and cut or open such ditches road.  
or drains, and construct such dams, as shall be necessary for the  
making or preservation of said road, doing, however, as little inju-  
ry to the owner of such land as possible.

§ 4. Every overseer of highways shall have full power to enter May take ma-  
upon any unimproved lands adjoining or near the road in his dis- terials.  
trict, and gather, dig, or cause to be dug, any gravel, sand, or  
stone, and cut away wood or trees, and carry off the same, that  
shall be necessary for the making or repairing of said road; doing,  
however, as little damage as may be to the owner of the land.

§ 5. If any person feel aggrieved by any act or acts done in Damages, how  
pursuance of either of the two preceding sections, such person assessed.  
may apply to the commissioners of highways of the same town,  
who shall appoint three disinterested electors, who, after taking

the proper oath or affirmation, shall proceed to assess the damages, if any there be, which shall be paid out of the town treasury.

Commissioners  
to contract.

§ 6. The commissioners of highways shall have power to order and direct the construction of bridges on highways in their respective towns, and to contract for the building thereof; and it shall be the duty of the overseers of highways to build the necessary bridges on highways in their respective road districts, unless otherwise ordered by said commissioners, and to repair the same when necessary.

Notice to  
open roads.

§ 7. Whenever the commissioners of highways shall have laid out any public highway through any enclosed, cultivated, or improved lands, and their determination shall not have been appealed from, and on all public highways already laid out through such lands, they shall give the owner, his agent, or the occupant of the land through which such road shall have been laid, thirty days notice in writing to remove his fences; if such owner shall not remove his fences within the thirty days, the commissioners shall cause such fences to be removed, and shall direct the road to be opened and worked; if the determination of the commissioners shall have been appealed from, then the thirty days notice shall be given after the final decision upon such appeal: *Provided, however,* that no person shall be required to remove any fence under the provisions of this section or the act of which this is amendatory, except between the first day of October and first day of May in each year.

Proviso.

May sue, &c.

§ 8. The commissioners and overseers of highways shall have power to make contracts, and to sue and be sued in their name of office on all subjects pertaining to their respective offices.

#### MISCELLANEOUS PROVISIONS.

Town meet-  
ings.

§ 1. If, from any cause, any town organized at the last or present session of the legislative assembly shall not hold a town meeting at the time fixed for holding annual town meetings, such town may hold its first town meeting on the first Monday of May next.

Acts in force.

§ 2. This act shall be in force only in those counties which have or may hereafter adopt the township and county system of government.

Repealed acts.

§ 3. The following parts and sections of the act of which this is amendatory, are hereby repealed, to wit: all of part fourth, chapter eleven; sections four, six and eight; in part first of chapter four;

section seven in part third of chapter five; sections five, nine, and twenty, in part third of chapter eight; and section eight in part seven of chapter eleven; and all such other parts of said act as contravene, or are not consistent with, the provisions of this act; and all the provisions of the act of which this is amendatory, not hereby repealed, shall be and remain in full force and virtue, as modified by the provisions of this act.

§ 4. Section four of the act entitled "an act to amend the several acts to provide for the support of common schools," approved February 18, 1842, is hereby repealed, as to all of those counties which have adopted the town and county system of government, but shall be in full force and operation in all other counties of the territory. Further repeal.

§ 5. The second section, chapter first, of the act hereby amended, shall be so amended as to authorize any county of this territory, which shall not already have adopted the same, to vote for or against the adoption of said act, at any annual election in such county, and to proceed therein and make returns of such election according to the provisions of said section two: *Provided, however,* that the electors of no county shall be required to vote upon such question, unless a notice to that effect shall have been issued by the clerk of the board of commissioners, as required by law in relation to other election notices. And the clerk of the board of commissioners of any such county shall, upon the petition of a majority of the persons who shall have notice at the next previous annual election, as shall appear by the poll lists, be required to issue such notice of the time of issuing general election notices. Amendment. Proviso. Election notice.

§ 6. No person shall vote at any town meeting who has not resided in the town in which he shall claim the right to vote, for six calendar months next preceding the day of such meeting, and who shall not be otherwise qualified as required by law. Qualifications of voters.

§ 7. The cost of advertising unredeemed land, which shall remain unpaid at the first subsequent assessment after the forfeiture, shall be a charge upon all lands thus advertised and unpaid, and the county board of supervisors shall annually include all such unpaid costs, and thirty per cent. interest thereon, from the day of forfeiture, with the amount of other county expenses, to be collected by the respective towns, in the same manner as other county taxes are or shall be collected: *Provided, however,* that here- Costs of sale.

after, the legal charges for such advertising shall not be more than twenty-five cents per folio for the first insertion, nor more than ten cents per folio for each subsequent insertion.

Act amended. § 8. Chapter three, part first, section five, of the act to which this act is amendatory, is hereby amended as follows, to wit; add to the end of section five, the following: *Provided*, that the percentage to be laid on the assessment for any one year shall not exceed, for all purposes whatever, one and a half per cent; *Provided*, further, that this provision shall not apply to school district taxes for building school houses.

Duty of town clerks. § 9. It is hereby made the duty of the town clerks of the several towns to act as clerk of the board of town supervisors, when so required by said board.

APPROVED, April 15, 1843.

## AN ACT relative to Dodge county.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Judge of Probate. § 1. That at the special election to be held on the first Monday of May next, there shall be elected in and for the county of Dodge, a judge of probate, whose jurisdiction shall be co-extensive with said county.

Votes, how canvassed. § 2. At the said special election, the qualified voters of said county shall determine, by ballot, the place at which the board of county commissioners shall hold their sessions; and the votes for said place of holding the sessions of said board shall be canvassed in the same manner that the votes for judge of probate are canvassed; and thereafter, until otherwise provided by law, the sessions of the said county board shall be held at the place determined upon by said electors.

Notices. § 3. The county commissioners of the said county are hereby authorized to appoint some suitable person to post up election notices, and to serve all notices issued by the said board, or its clerk, which are now required to be executed by the sheriff; and whenever it shall become necessary to hold a special election to fill any vacancy in county officers, it shall not be necessary for the sheriff of Jefferson county to order such election, but the same may be ordered by the clerk of the board of commissioners of said county of Dodge.

§ 4. This act shall be in force from and after its passage. Take effect.  
 APPROVED, April 10, 1843.

## AN ACT to alter the boundaries of certain towns in the counties of Racine and Rock.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That section number thirty-one, in township number three, north, of range twenty-two, east, in the county of Racine, <sup>ant.</sup> Mount Pleasant, and the same is hereby set off from the town of Paris, and be annexed to, and form a part of, the town of Mount Pleasant, in the said county of Racine.

§ 2. All that part of township number three, north, of range Janesville. twelve, east, which lies west of Rock river, shall be annexed to, and form a part of, the town of Janesville, in the county of Rock.

§ 3. That the limits of the village of Racine, in the county of Racine. Racine, so be altered as to exclude from the said village lot number five, in section number nine, town three, range twenty-three; and the said lot number five, in said section number nine, shall not hereafter constitute a part of, or belong to, said village.

§ 4. This act shall take effect from and after its passage. Take effect.  
 APPROVED, April 10, 1843.

## AN ACT to change the names of certain towns in Walworth county.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. The town of Troy, in Walworth county, embracing township four, range eighteen, shall be known and called by the name of East Troy; and the town Meacham, embracing township four, range seventeen, shall be known and called by the name of Troy; and the first election in said last named town shall be held at the house of Augustus Smith.

§ 2. So much of any act as contravenes the provisions of this Act repealed act is hereby repealed.

§ 3. This act to take effect from and after its passage. Take effect.  
 APPROVED, April 10, 1843.

**AN ACT to repeal the fourth section of an act entitled "an act to organize the county of St. Croix," and to legalize the acts of certain officers in said county, and for other purposes.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

- Act repealed.**     § 1. The fourth section of an act entitled "an act to organize the county of St. Croix," approved January 9, 1840, is hereby repealed.
- Attached.**        § 2. The county of St. Croix is hereby attached to the county of Crawford for judicial purposes.
- Process, how returned.**     § 3. All writs, summons, process, indictments, recognizances, and other proceedings now pending in, or returnable to, or which may hereafter be returnable to, the district court for St. Croix county, shall be removed to the district court of Crawford county, and the same proceedings shall be had thereon as though they were originally returnable to the district court of Crawford county; and the clerk of the district court for St. Croix county shall
- Records, &c.**       deliver over to the clerk of the district court for Crawford county, all dockets, books, records and papers appertaining to his office.
- Cases pending.**     § 4. All cases which may have been, or may hereafter be, removed by appeal, or certiorari, from the judgment of any justice of the peace of said county, shall be prosecuted to final effect in the county of Crawford.
- Justices of the Peace, &c.**     § 5. The qualifications and authority of justice of the peace, or any other officers in said county of St. Croix, appointed or elected in said county of St. Croix, shall not be questioned or invalidated in consequence of the omission of any such officers to file or deposit with the clerk of the district court of said county, any oath, bond, or other thing, which they were required by law to do; but all the official acts and proceedings of all such officers are hereby declared to be as legal and valid as though they had filed or deposited with the clerk of the said district court, such oath, bond, or other thing.
- Papers filed.**       § 6. All officers in the county of St. Croix who are now required by law to file with the clerk of the district court any oath, bond, or other thing, are hereby authorized and required to file the same with the clerk of the board of county commissioners of said county of St. Croix.

§ 7. All officers of the county of St. Croix, who are required <sup>Place of hold-</sup> to hold their offices at the county seat of St. Croix county, are <sup>ing offices.</sup> hereby authorized to hold their offices at the Red Stone Prairie, on the Mississippi river.

APPROVED, April 10, 1843.

## AN ACT to authorize the erection of a bridge across Pike Creek.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That the commissioners of highways of the town of Southport, in the county of Racine, and their successors in office be, and are hereby, authorized and empowered to erect and maintain a free bridge across Pike creek, in said town; said bridge to be constructed from a point on the northern bank of said creek south of the termination of Maine street, in the north ward of the village of Southport, to the opposite or southern bank of said creek, at or near lot number twelve, in block number fourteen, in the south ward of said village.

§ 2. The president and trustees of the village of Southport shall have, and are hereby empowered to exercise, concurrent <sup>Trustees, con-</sup> power and authority with said commissioners of highways to en- <sup>current author-</sup> act, maintain, and keep in repair, the said bridge. <sup>ity of.</sup>

APPROVED, April 12, 1843.

## AN ACT to make valid the official acts of George M'Williams, Edwin Hart, and Lyman Crossman, justices of the peace.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That the official acts of the said George M'Williams, up <sup>Official acts</sup> to the 16th day of January, 1843, on which day his commission as <sup>legalized.</sup> such justice of the peace expired by limitation; and the official acts of the said Edwin Hart and Lyman Crossman, up to the 30th day of January, 1843, respectively, be, and the same are hereby declared to be, to all intents and purposes, of the same force and validity as if their respective commissions had not been revoked, as aforesaid.

APPROVED, April 15, 1843.



## AN ACT to repeal a part of an act therein mentioned,

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Repeal.

§ 1. That the sixth section of an act entitled "an act to prescribe the number, duties, and compensation of the officers of the legislative assembly, and for other purposes," approved January 23, 1841, be, and the same is hereby repealed.

APPROVED, April 12, 1843.

## AN ACT to make valid the official acts of Frederic Borchardt, a justice of the peace.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Official acts legalized.

§ 1. That the official acts of Frederic Borchardt, a justice of the peace, appointed in and for the county of Manitowoc, shall, to all intents and purposes, be of the same effect and validity as if the said Frederic Borchardt had been a resident of said county of Manitowoc for six months next before his appointment to be such justice of the peace.

APPROVED, April 13, 1843.

## AN ACT to provide for laying out and opening territorial roads.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

From Aztalan.

§ 1. That Thomas Brayton, Benjamin Clauson, and Isaac Noyce, are hereby appointed commissioners to lay out a territorial road from Aztalan in the county of Jefferson, to Peck's rapids, on the Beaver-dam river, thence to Clauson settlement, in town eleven, range fourteen; thence in the most direct and practicable route to Seymour Wilcox's, in the county of Fond du Lac.

From county seat of Green.

§ 2. A territorial road shall be laid out and established, running from the county seat of Green county, on the most direct and feasible route to the county seat of Jefferson county, and that Noah Phelps, James Campbell, and Isaac Andrus be, and are hereby, appointed commissioners to lay out said road.

Commissioners

§ 3. The commissioners named in the preceding sections may

meet at such time and place as they or a majority of them shall where to meet. agree upon, and proceed to the discharge of their duties agreeably to the provisions of "an act to provide for laying out and opening territorial roads," approved January 3, A. D. 1839: *Provided*, that the above named roads shall be laid out within one year from the passage of this act.

§ 4. No part of the expenses incurred, or damages assessed, Expenses. for laying out said roads, shall be paid from the treasury of any counties through which said roads may pass; nor shall any part thereof be paid out of the territorial treasury.

APPROVED, April 14, 1843.

## AN ACT to organize the town of Pike, in the county of Racine, and to annex certain lands to the town of Southport, in said county.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That all that district of country comprised in town num- Town of Pike. ber two, north, of range number twenty-two, east, in the county of Racine, be, and the same is hereby, organized into a separate town, by the name of Pike.

§ 2. The said town shall have the same powers that other Powers. towns by law have.

§ 3. The first town meeting and the general special election Election. for the said town of Pike, shall be held at the house now occupied by Charles Leet, on the first Monday of May next, and the qualified voters of said town are authorized, at said meeting and election, to elect all the officers authorized by law to be elected in the several towns in said county.

§ 4. That all that part of fractional township number one, District at- north, of range number twenty-three, east, in the county of Ra- tached. cine, which now belongs to, and forms a part of, the town of Pleasant Prairie, in said county, is hereby annexed to, and shall for a part of the town of Southport, in said county.

§ 5. The first, second, and third sections of this act shall not Take effect. take effect or be in force until the first Monday of May next.

APPROVED, April 15, 1843.

**AN ACT authorizing the Governor to offer rewards for the apprehension of criminals in certain cases.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Governor to offer reward.

§ 1. That whenever any criminal charged with a capital offence, or with any felony, shall escape from the custody of the sheriff of the county wherein such offence or felony may have been committed, it shall be lawful for the Governor, in his discretion, to offer a reward for the apprehension and delivery of such criminal to such sheriff; and also, whenever any heinous crime against the public peace or morals shall be committed, to offer rewards for the detection and apprehension of the perpetrator or perpetrators of the same; such rewards to be paid out of the territorial treasury: *Provided*, that in no case the reward thus offered and paid shall exceed the sum of two hundred dollars.

Proviso.

APPROVED, April 15, 1843.

**AN ACT to amend the statutes of this territory relative to sales of land under execution or mortgage, and to legalize certain conveyances.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Deeds, how and to whom issued.

§ 1. That in all cases where real estate has been or shall hereafter be sold in pursuance of the provisions of the statutes of this territory relative to the sales of mortgaged premises by advertisement, or in pursuance of an act entitled "an act concerning judgments and executions," it shall be the duty of the officer or other person who sold, or shall hereafter sell, such real estate, to execute a deed of the premises so sold and unredeemed, agreeable to the provisions of said acts, either to the original purchaser or to the creditor who may have acquired the title of such original purchaser, or to the creditor who may have purchased such title from any other creditor, or to the assignee, (as the case may be,) of the certificate of sale executed on such sale to the purchaser of the premises therein described.

Repealed.

§ 2. That so much and such parts of the above recited acts as contravene the provisions of the foregoing section, are hereby repealed.

§ 3. That all conveyances of land heretofore made under and by virtue of any law that now is, or has been heretofore in force in this territory, to the assignee or assignees of any purchaser or purchasers of any lands or real estate sold on execution, or under the judgment or decree of any court of record, or by virtue of any mortgage, agreeably to the provisions of any such law, shall vest in the assignee or assignees of such purchaser such title to the premises described in such conveyance as would have vested in the purchaser, had such conveyance been made to him; and such conveyance shall not be impaired or affected by reason of the same having been made to the assignee of such purchaser. May vest in assignee.

§ 4. This act to take effect from and after its passage.

Take effect.

APPROVED, April 15, 1843.

## AN ACT concerning the city of the Four Lakes.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That hereafter the land contained in section six, town How taxed. seven, range nine, east, called "the city of the Four Lakes," shall not be taxed any higher than other farming land of similar quality, and in the same state of cultivation, in the immediate vicinity.

§ 2. This act shall take effect from and after its passage.

APPROVED, April 15, 1843.

## AN ACT to amend the act authorizing Samuel H. Farnsworth to build and maintain a dam on the Menomonee river.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That Samuel H. Farnsworth, and his associates, successors, and assigns, shall have authority to build and maintain a dam across the south branch or channel of the Menomonee river as lies within the jurisdiction of this this territory, at the place heretofore selected by him, under the same restrictions and limitations contained in the act to authorize said Farnsworth to build and maintain a dam on the Menomonee river, and for other purposes, approved February 13, 1841: *Provided*, that the lock required to be constructed by the second section of the act to which this What part in force.

is amendatory, shall be so situated in said dam as to be of convenient access by boats, batteaux, barges, and other water craft, and shall contain water at all times of sufficient depth to pass boats, barges, batteaux, and other water craft, drawing two feet water.

Repealed.

§ 2. So much of the act of which this is amendatory as contravenes the provisions of this act, is hereby repealed.

APPROVED, April 10, 1843.

## AN ACT to repeal an act incorporating the State Bank of Wisconsin.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Charter  
repealed.

§ 1. That the act entitled "an act to incorporate the State Bank of Wisconsin," approved February 28, 1839, is hereby repealed.

APPROVED, April 10, 1843.

## AN ACT relative to the Assessor of Crawford county.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Official acts  
shall be legal.

§ 1. That the assessor of Crawford county, elected at the last election and duly qualified, shall proceed to perform the duties of that office, and complete the assessment roll for the present year for the whole county, as though it constituted but one assessor's district; and his official acts, so performed, shall not be affected or rendered invalid, for the reason that three assessors were not elected for the year 1843, at the last election, or for the reason that the county of Crawford was not divided into three districts by the county commissioners of said county, as required by the statutes.

Take effect.

§ 2. This act shall take effect from and after its passage.

APPROVED, April 13, 1843.

## AN ACT to provide for laying out certain territorial roads.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

From Prairie

§ 1. There shall be established a territorial road from Prairie

du Chien by the way of Spaulding's mill, on the Black river, and du Chien. Bennett's mill, on the Chippewa river, to the shore of Lake Superior, near La Pointe.

§ 2. The county commissioners of the county of Crawford <sup>Com'rs, how</sup> are hereby authorized and empowered to appoint one or more <sup>appointed.</sup> commissioners to mark the route of the location of said road, by the nearest and most practicable route, and when the route of the location of said road shall be marked, said road shall be and remain a territorial road.

§ 3. That E. M. Williamson, Hiram Griffith, and Erastus From Beloit. Quivey, be appointed commissioners to alter the territorial road from Beloit to Madison, as follows, to wit: beginning at a point on said road in or near section twenty-one, town four north, range ten east, thence by the nearest and most practicable route to a point in the road leading from Janesville to Madison, on or near section thirty-three, town six north, of range ten east.

§ 4. That the supervisors of the county of Brown are hereby <sup>From Green</sup> authorized to appoint one or more persons commissioners to lay <sup>Bay.</sup> out and establish a territorial road from Green Bay, on the nearest and most practicable route, to the Wisconsin river, at or near the Grand Rapids.

§ 5. There shall be established a territorial road from Racine <sup>From Racine,</sup> to Burlington, in Racine county, by the nearest and most practicable route; and John T. Trowbridge, Nelson R. Norton, Benjamin Pierce, Elias Smith, and Moses Vilas, are hereby appointed commissioners to lay out the same.

§ 6. That George Esterly, George W. Ellis, and Elijah Wor- <sup>From Janes-</sup> thington, be, and they are hereby, appointed commissioners to lay <sup>ville.</sup> out and establish a territorial road from Janesville, in the county of Rock, by Ellis's mill, in Whitewater, Walworth county, to the northwest corner of section thirty, in township four, of range sixteen, thence east to intersect the territorial road leading to Milwaukee via Prairieville.

§ 7. That Hugh R. Hunter, Elias Ogden, and Alfred L. Cas- <sup>From Mineral</sup> tleman, be appointed commissioners to lay out and establish a <sup>Point,</sup> territorial road from Mineral Point, in Iowa county, by way of Whitewater, in Walworth county, to Milwaukee, on the most direct and practicable route; and that the boards of county commissioners or supervisors of the several counties through which such roads shall run, are authorized, if they think proper, to pay

the expenses of laying out and establishing the same, in proportion to the distance which said road runs through each county.

From Janesville.

§ 8. That Charles Stevens, A. Hyatt Smith, and John P. Dickson, be, and they are hereby, appointed commissioners to lay out and establish a territorial road by the nearest and most practicable route, from Janesville, in the county of Rock, to Mineral Point, in the county of Iowa.

On old roads.

§ 9. If either of the boards of commissioners hereby appointed shall lay either of the said roads, in whole or in part, on the route of any public road or highway heretofore established, they may adopt the survey of said road, so previously laid out, or such part thereof as they shall think proper.

From Milwaukee.

§ 10. That Alonzo Raymohd, John S. Rockwell, and Francis M'Carty, be, and are hereby appointed commissioners to lay out a territorial road from Milwaukee to Fond du Lac, via. Monomonee Falls; and the said commissioners are hereby authorized to adopt the survey of any road, or part of any road previously laid out on said route.

Expenses, how paid.

§ 11. That none of the roads authorized to be laid out by this act shall be paid for out of the treasury of any of the counties through which such roads pass, except as provided for in this act.

Take effect.

§ 12. That this law shall be in force and take effect from and after its passage.

APPROVED, April 12, 1843.

## AN ACT to authorize the election of an additional justice of the peace in certain towns.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Authority and liabilities.

§ 1. That the several towns in the territory, comprising within their limits incorporated towns or villages, are hereby authorized to elect, at the general special election to be holden on the first Monday of May next, and annually thereafter on the day fixed by law for the election of justices of the peace, one justice of the peace, in addition to the number now allowed by law, who shall possess the qualifications, rights, and powers, and be subject to the liabilities and duties conferred and imposed upon justices of the peace by any law of the Territory.

§ 2. All acts contravening the provisions of this act are hereby repealed, and it shall take effect from and after its passage.

APPROVED, April 12, 1843.

## AN ACT to provide for levying and collecting a territorial revenue.

*[Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:]*

§ 1. For the purpose of raising a territorial revenue, there shall be annually levied, in each of the counties of this territory, a territorial tax of such a per cent. on the assessment of the several counties and towns as the legislative assembly shall, from year to year, prescribe. <sup>levied.</sup>

§ 2. It shall be the duty of the board of county commissioners of the several counties which have not adopted the provisions of an act entitled "an act to provide for the government of the several towns in this territory, and for the revision of county government," annually to embrace in the tax roll of their respective counties, in a separate column, to be designated "territorial tax," a tax of such a per cent. on the assessment roll as the legislative assembly shall have prescribed at its next preceding annual session. <sup>How levied.</sup>

§ 3. It shall be the duty of the town clerks in all the towns of the several counties which have adopted the provisions of said act, annually to embrace in the tax roll of their respective towns, in a separate column, to be designated "territorial tax," a tax of such a per centum on the assessment roll as the legislative assembly shall have prescribed at its next preceding annual session.

§ 4. The legislative assembly shall, at its annual session, in each and every year, prescribe the per centum of tax to be levied in each of the counties of this territory. <sup>Amount, how determined.</sup>

§ 5. There shall be levied and collected in all the towns in the counties of Milwaukee, Racine, Jefferson, and Crawford, in pursuance of the provisions of this act, for the year one thousand eight hundred and forty-three, a tax of three eighths of a mill on the dollar on the assessment roll of said towns; and in all the towns in the other counties of the territory, which have adopted the provisions of said act, and in all the counties which have not adopted the provisions of said act, in like manner for said year a tax of five-eighths of one mill on the dollar of the assessment rolls of such towns and counties. <sup>Tax for 1843.</sup>



Clerk to furnish auditor statement,

§ 6. It shall be the duty of the clerk of the board of the county commissioners in the several counties which have not adopted the provisions of the aforesaid act for the government of the several towns, &c., as soon as the assessment roll in their respective counties shall be completed and corrected, to transmit to the auditor of the territory a certified statement of the amount of such assessment, and of the aggregate number of acres of land assessed in their respective counties.

Clerk to furnish auditor statement.

§ 7. It shall be the duty of the clerk of the board of supervisors, in the several counties which have adopted the provisions of said act, as soon as the assessment rolls in the several towns in such county shall have been equalized and corrected, to transmit to the auditor of the territory a certified statement of the amount of the assessments in their respective counties, and of the aggregate number of acres of land assessed in their respective counties.

Duty of auditor.

§ 8. It shall be the duty of the auditor of the territory to keep an account current with the several counties in this territory, in which account current he shall annually charge the said counties with such sum as will correspond with the per centage upon their respective assessment rolls, that the legislative assembly, at its next previous annual session, shall have prescribed.

Collectors, duty of.

§ 9. It shall be the duty of the several collectors of county and town taxes to collect the territorial taxes, in their respective counties and towns, in the same manner that county and town taxes are now by law collected; and the collectors in the several towns in the counties which have adopted the provisions of said act, to pay over to the county treasurers of their respective counties the amounts so collected by them, in the same manner and at the same time they are required to pay over county taxes by them collected. And the said county collectors and county treasurers shall pay over the amount of territorial tax by them received to the treasurer of the territory, and take his receipt for the same; and the auditor of the territory, upon the presentation of such receipts, shall credit the account of the counties, respectively, with the amount thereof.

Auditor to keep account with treasurer.

§ 10. The auditor of the territory shall keep an account current with the treasurer of the territory, in which he shall charge the treasurer with all sums paid to him by the county collectors and treasurers, respectively, as shall appear by such treasurer's re-

receipts; and he shall credit the treasurer by all warrants drawn by the auditor, which the treasurer shall present; which warrants, when thus presented and credited, shall be cancelled by the auditor, and reported to the legislative assembly, at its next annual session, by the auditor.

§ 11. Every person holding any territorial bonds, of any description, (except canal bonds,) and certificates issued in pursuance of the provisions of the third section of an act entitled "an act to provide for the payment of the expenses of the legislative assembly therein named," approved February 19, 1841, may present the same to the auditor of the territory, whose duty it shall be, on the application of the holder of such bond, to issue to him warrants on the treasurer of the territory, in such sum or sums as he may request, corresponding with the amount due for principal and interest on such bond at the time of issuing such warrants; and upon issuing such warrants, the auditor shall take up and cancel such bond, and report it to the legislative assembly at its next annual session: and the auditor of the territory is hereby prohibited from issuing any warrants based upon said certificates issued in pursuance of the provision of said third section. Further duties.

§ 12. It shall be the duty of the auditor of the territory, upon the application of any person to whom any appropriation payable out of the territorial treasury has been made, which has not been paid, or for which warrants have not been drawn, or if any person to whom any appropriation payable out of the territorial treasury may hereafter be made, to issue to such person warrants on the territorial treasurer in such sums as such person may elect, corresponding in the aggregate with the amount of such appropriation, and take the receipt of such person for the amount of such appropriation.

§ 13. All taxes levied in pursuance of the provisions of this act, shall be paid in gold or silver coin, or in warrants drawn by the auditor on the treasurer of the territory. Tax to be paid in gold and silver.

§ 14. An act entitled "an act to provide for a territorial revenue," and all other acts or parts of acts that conflict or are inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

§ 15. The duties enjoined by this act upon the several county treasurers, and town and county collectors, shall be so considered that a departure therefrom shall be deemed a breach of the condition of their official bond, so that they and their sureties shall be Failure to perform duties in this act specified.

liable to the territory for any loss which may accrue therefrom.

APPROVED, April 15, 1843.

## AN ACT in relation to dams on the Manitowoc river.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Slides, &c:

§ 1. That all dams erected or to be erected by authority of any law of this territory, on the Manitowoc river, shall contain a slide or chute of such dimensions, and so constructed, as to permit the descent of rafts over said slide or chute, without injury to said rafts; and any person who shall be injured in his property by means of the insufficiency of any slide or chute in any of the dams aforesaid, may maintain an action against the owner or owners of such dam, to recover compensation for the injury he may sustain by means of such insufficiency.

APPROVED, April 15, 1843.

## AN ACT to repeal certain parts of the several acts concerning the militia, and for other purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

No muster.

§ 1. That so much of the act entitled "an act relating to the militia," and acts amendatory thereto, as authorize or require a muster of the militia of this territory, for the purpose of review, exercise, or inspection, be, and the same is hereby, repealed; and the commanding officers of each company shall annually, on the first Monday in July, enroll, or cause to be enrolled, all persons within the limits of his company, who may be subject to military duty, according to the said acts, and shall without delay report the same to the commander of the regiment or battalion to which he may belong; *Provided, nevertheless*, that all volunteer companies may muster for review, exercise, or inspection, whenever the commanders of such companies may deem wise; and *Provided further*, that upon a call of the commander in chief, or any civil officer who by law is authorized to call in the aid of the militia, the several commanders of brigades, regiments, battalions, and companies shall, and are hereby authorized to, muster for the object specified in the call.

Proviso.

Yb.

§ 2. That all the parts of the aforesaid statutes as regulate No pay. the pay of any persons connected with the militia be, and the same are hereby, repealed. And no expenses now authorized by any of the laws of this territory relating to the militia shall be paid out of the territorial treasury.

APPROVED, April 12, 1843.

## AN ACT to amend the several acts relative to the town of Milwaukee.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That the president and trustees of the town of Milwaukee shall have power to levy and collect annually a tax on such property in said town as is now assessed and taxed for town and county purposes, in the county of Milwaukee, not exceeding one dollar on every one hundred dollars of the assessed value thereof, which tax shall be assessed, levied, collected, and expended, as is now provided by the several acts of the legislative assembly relating to said town. Tax, how levied, &c.

§ 2. That the first section of this act shall not be operative, unless the same be accepted and adopted by the qualified voters of said town, for which purpose the said president and trustees are authorized upon giving ten days notice, to direct a meeting to be held in each of the wards, to be conducted in all respects as meetings are conducted by law for the election of trustees in said town; and should a majority of the qualified voters voting at such meeting, in either ward, accept and approve of the provisions of the said section, the same shall be operative upon the ward so accepting and approving of the same. Operation conditional.

§ 3. The said president and trustees are hereby authorized, for the purpose of discharging the legal debts now due and owing by the west ward of said town, to levy annually, and until the same shall be paid and discharged, in addition to the ordinary tax, a special tax on such property in said west ward as is now assessed and taxed for town and county purposes in the county of Milwaukee, not exceeding one dollar on every one hundred dollars on the assessed value thereof, which tax shall be levied, assessed, and collected as the general tax for said town is now levied, assessed, and collected, and shall be appropriated exclusively to the dis- Debts of west ward, how discharged.

charge and payment of the debts now due and owing by the said west ward. This section shall not be operative or in force unless the same be accepted and adopted by the qualified voters of said west ward, in the manner prescribed in the second section of this act.

Special tax for street.

§ 4. That the said president and trustees are hereby authorized to levy and collect a special tax, in addition to the ordinary tax; upon lot number one, of section thirty-three, within the corporate limits of said town, sufficient to defray one half of the necessary expense of constructing a graded road through said tract from the north line thereof, parallel to the Milwaukee river, to the lake shore, following, as near as may be, the centre of Water street, as represented in the plats of said town; which special tax shall be levied and collected as other taxes are levied and collected in said town.

Firemen.

§ 5. That the said president and trustees are hereby authorized to increase the number of firemen attached to the fire engine company, in the east ward, to a number not exceeding forty-five.

Tax, how collected.

§ 6. In case any tax assessed on personal property agreeable to the provisions of this act, shall not be paid by the first day of June in each year, the said president and trustees shall cause to be made out and delivered to the treasurer of said town a transcript of the assessment of personal property within said town, together with a warrant in the name of the territory, signed by the president, commanding such treasurer to collect from the several persons named in the transcript the sums set opposite to their respective names; and the said treasurer, upon receiving said transcript and warrant, shall proceed to collect the taxes therein named, in the manner prescribed by law for collecting town and county taxes in the county of Milwaukee, and on or before the first day of December in each and every year shall return his transcript and warrant, with his doings thereon, to the office of the clerk of said town.

Notice.

§ 7. It shall be the duty of the assessors of said town, after completing their assessment roll in each year, to deliver the same to the clerk of the board of trustees, whose duty it shall be to give notice of the same in some newspaper published in said town; and any person interested may appeal to said board for the correction of such assessment; such appeal to be in writing and delivered to the said clerk within ten days after the assessment roll

shall be filed with the said clerk; and the board of trustees shall have power, after giving notice of the time and place of hearing, to confirm or amend such assessment, as to them shall seem just and proper.

§ 8. The rights and qualifications of voters at the meetings <sup>Voters,</sup> contemplated by this act, shall be the same as now prescribed by law for persons voting for the election of trustees in said town.

§ 9. So much and such parts of the several acts of the legis- <sup>Acts repealed.</sup> lative assembly relating to the town of Milwaukee as contravene the provisions of this act are hereby repealed.

APPROVED, April 17, 1843.

## **AN ACT for the relief of the inhabitants of Fond du Lac, and in relation to town officers.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

§ 1. That it shall be lawful for the electors of the town of Fond du Lac to elect its officers for the ensuing year at the special election to be held on the first Monday of May next; and said town, on the day of said special election, may do and perform for said town all and every thing which it might have done by law on the first Tuesday of April, 1843; and all such doings and elections shall have the same effect in law as if done and performed on the said first Tuesday of April. <sup>May elect officers for current year.</sup>

§ 2. It shall not be necessary to issue any new notices of such town meeting. <sup>New notice not necessary.</sup>

§ 3. That in all cases where the boundaries of any town have been altered since the annual town meeting for the year 1843, the town officers who may reside in the territory which has been annexed to another town, shall continue to discharge the duties of their respective offices as though no change in the boundaries of the town had been made; and their offices shall remain as though they still resided in the towns of which they were elected officers. <sup>Certain officers qualified to act.</sup>

APPROVED, April 17, 1843.

# **AN ACT to provide for laying out the several territorial roads therein named.**

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

**From Exeter.** § 1. That Jonas Lovelan, Jacob Linsey, and Adam Collin, be, and are hereby, appointed commissioners to lay out a territorial road from Exeter, (Sugar river,) to pass near Jonas Shooks', thence to the Pecatonica ford, near the battle ground, thence to Wyota, (Hamilton's diggings,) thence to the White Oak Springs, to intersect the road to Galena.

**From Janesville.** § 2. A territorial road shall be laid out and established, leading direct from Janesville, on the most eligible route, by the town of Exeter, in the county of Green, to Mineral Point, and that Daniel Smiley, Josiah Bennet, and Leonard Kop, be, and are hereby, appointed commissioners to lay out said road.

**From Manchester.** § 3. A territorial road shall be laid out and established, leading from Manchester, at the mouth of the Catfish, to Mineral Point, over the most direct and eligible route, and that Robert Stone, Hiram Gould, and Sewal Holman, be, and hereby are, appointed commissioners to lay out said road.

**From Madison.** § 4. A territorial road shall be laid out and established, leading from Madison to Whitewater, with the privilege of adopting so much of any territorial or county road as the commissioners may deem proper; said road to cross Rock river near the dwelling of John Allen, on section seventeen, town five, range fourteen; and that James Carman, John Allen, and Marcellus Finch are hereby appointed commissioners to lay out said road.

**From Jefferson.** § 5. Horatio Catlin, E. M. Williamson, and Lucius I. Barber, are hereby appointed commissioners to survey and locate a territorial road from Jefferson, the county seat of Jefferson county, to Madison.

**Id.** § 6. Joseph Keyes, N. F. Hyer, and James H. Ostrander, are hereby appointed commissioners to survey and locate a territorial road from Jefferson to Fort Winnebago.

**From Whitewater.** § 7. That Martin Field, Frederick A. Sprague, and William Sherman, be, and are hereby, appointed commissioners to lay out a territorial road from Whitewater, via. Eagle Prairie, to the angle stake in the Muquonugo road, near the southeast corner of section thirty-four, town six, range eighteen; and said commissioners may adopt any portion of any road now laid out on said route.

§ 8. A territorial road shall be laid out and established, lead-<sup>From Boat</sup> ing from Boat Laid Hollow, on the Mississippi river, through the <sup>Laid Hollow,</sup> town of Fair Play, to the White Oak Springs; and that A. S. Gregory, G. W. Bruce, and J. M. Chandler be, and are hereby, appointed commissioners to lay out said road.

§ 9. The several boards of commissioners named in this act <sup>Commissioners</sup> shall meet at such times and places as a majority of them shall <sup>authority of.</sup> agree, and proceed to perform the duties assigned them agreeably to the provisions of an act entitled "an act to provide for laying out and opening roads, approved January 11, 1840," and when located, shall be opened and worked as other roads are; and said commissioners are authorized to adopt the survey of any road which may have been already surveyed and laid out as a part of any of the roads authorized to be laid out by this act, if they shall think proper.

§ 10. None of the expenses of laying out the roads authorized <sup>No expenses</sup> by this act shall be paid from the territorial treasury, nor from the <sup>paid by territory or county</sup> treasury of any of the counties through which any of the said roads <sup>may run.</sup> may run.

§ 11. This law shall be in force and take effect from and after <sup>Take effect,</sup> its passage.

APPROVED, April 17, 1843.

AN ACT to amend an act entitled "an act to change the time of holding courts in certain counties of the second judicial district, and to provide for a change of venue in criminal cases," and for other purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin;*

§ 1. All writs, summons, process, indictments, recognizances, <sup>Process, when</sup> and other proceedings, in any of the courts, in the first section of <sup>returnable.</sup> the act of which this is amendatory mentioned, which shall have been instituted since the passage of said act, or may hereafter be instituted, shall be returnable at the term of such court to be begun and held next after the day of issuing of the same, any thing in the second section of said act contained to the contrary notwithstanding.

§ 2. The seventy-first section of an act entitled "an act concerning costs and fees," is hereby repealed; and no costs shall be <sup>Costs, how</sup> taxed.



taxed in the supreme or district court without sufficient notice being given to the adverse party, or his attorney, of the time and place of such taxation, if said party or his attorney reside within the county in which the judgment was recovered.

Executions,  
may issue.

§ 3. In all cases in the supreme court where the judgment of the court below is affirmed, the supreme court may issue execution, directed to the sheriff of the proper county, returnable to the office of the clerk in ninety days from its date; and the clerk of the supreme court is authorized to issue executions, directed to the sheriff of the proper county, for all bills of cost in the supreme court, after they shall have been taxed according to law.

Take effect,

§ 4. This act shall take effect from and after its passage.

April 17, 1843—This act was re-considered and passed by the unanimous vote (the ayes and noes having been taken) of all the members present—eleven being present.

JOHN P. SHELDON, Sec'y of Council.

Re-considered, and approved, April 17, 1843, by the house of representatives, by the unanimous vote of the house; twenty-five members having voted for, and none against the bill.

JOHN CATLIN, Chief Clerk.

## AN ACT to provide for completing a new roof upon the capitol, and for other purposes.

Proposition.

Whereas, the board of commissioners of the county of Dane have proposed, in behalf of said county, to strip and shingle the roof upon the capitol under the direction of the superintendent of territorial property, or such other person as the legislature may designate, and to complete said work on or before the first day of October next, in consideration of being permitted to use suitable rooms in the capitol as offices for county purposes, therefore,

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Superintendent  
authorized to  
contract.

§ 1. That the superintendent of territorial property be, and he is hereby authorized to contract with the board of commissioners of the county of Dane, upon such terms as shall be deemed best calculated to ensure the speedy and proper performance of the work.

Notice.

§ 2. That immediately after the conclusion of such contract with the superintendent, the board of county commissioners shall

advertise in one or more papers published at Madison, proposals for bids for the performance of such contract, to be completed according to the specifications and directions to be furnished by the said superintendent, and by such time as shall be specified in such proposal.

§ 3. The board of commissioners of the county of Dane, at their July session, are hereby authorized to levy a tax equal to the amount of said contract, and the expenses necessarily connected therewith, to be added in the duplicate of the current year, and collected in money, which shall be appropriated to the payment of said contract and expenses, and for no other purposes: *Provided*, that if a tax of one and a half mills on the dollar shall not raise a sufficient sum, the residue of the debt thus contracted shall be raised by a tax assessed in like manner in the year 1844. Tax, may be levied. Proviso.

§ 4. Whenever the contractor for materials or labor, shall have finished his contract to the satisfaction of the superintendent, he shall certify the fact to the board of commissioners, which certificate shall be a voucher, upon the receipt of which they shall order to be paid the amount due such contractor out of the moneys collected by virtue of this act: *Provided*, that if there shall be more than one contractor, and the tax raised as aforesaid shall not be sufficient to meet the whole expense, each contractor shall be paid a per centum in proportion to the amount of his contract. Voucher, &c. Proviso.

§ 5. The superintendent shall personally oversee and give such directions during the progress of the work as he may think necessary to cause the work to be done in a suitable and workman-like manner. Superintendent to oversee, &c.

§ 6. In consideration of the completion of the work specified in this act, the county of Dane is hereby granted the use of suitable rooms in said capitol for the office of register of deeds, and commissioners' office, and for an office for the clerk of the district court, when such offices shall not be needed for the use of the legislative assembly, and also to the use of the supreme court room for holding the district court, for the term of seven years: *Provided*, that if such rooms shall be unreasonably or improperly used for other purposes than contemplated by this act, the superintendent shall have authority to vacate the same until further action of the legislative assembly. Consideration. Proviso.

§ 7. This act shall take effect and be in force from and after its passage. Take effect.

APPROVED, April 17, 1843.

## AN ACT concerning removals from office.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Removals, notice of

§ 1. That on the removal of any person from office by the Governor, it shall be his duty forthwith to notify such person, in writing, of his removal, and also to file a notice of such removal, if a county officer, in the office of the clerk of the district court of the county in which such person may reside, or if a territorial officer, in the office of the secretary of the territory.

Certain officers shall not act.

§ 2. Any sheriff, judge of probate, or justice of the peace now in commission, or to be appointed by the governor previous to the first Monday of June next; who shall perform any official act after the time limited by the laws of the territory for the expiration of his term of service, shall be liable to the party or parties injured thereby in treble damages, and shall be subject to a fine of fifty dollars for every such act, to be recovered in an action of debt, on the complaint of any person, in behalf of the United States, which fine shall go to the support of the poor in the town or county where such officer resides, according as the same is under the town or county government.

April 17, 1843—returned from governor with veto. On reconsideration, the bill was passed—nine members voting in the affirmative, and but one in the negative.

JOHN P. SHELDON, Sec'y of Council.

Reconsidered, and passed by the House of Representatives, by ayes and noes, April 17, 1843; twenty-four members voting for the bill, and one against it. JOHN CATLIN, Chief Clerk.

## AN ACT to provide for the payment of the expenses of the Legislative Assembly.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:*

Appropriations, how and to whom paid.

§ 1. That there shall be paid out of the proper appropriations made by the congress of the United States, for defraying the expenses of the legislative assembly previous to the seventeenth day of April, A. D. 1843, inclusive—

Jas. Lemon.

To James Lemon, for furnishing ninety cords of wood, and assisting in removing the library, for the session of the legislative assembly of 1841 and 1842, two hundred and fifty-five dollars.

To La Fayette Kellogg, for eight days services in writing up L. F. Kellogg. The journal of the house of representatives of session ending February 18th, 1842, twenty-four dollars.

To Steptoe Catlin, for eleven days services in writing up the Steptoe Catlin. Journal of the council of the session ending February 18th, 1842, thirty-three dollars.

To Thomas Shillinglaw, for five days work cleaning carpets and T. Shillinglaw. chopping two cords of wood in May, 1842, six dollars and fifty cents.

To Porter M. Potter, for hauling stationery from Chicago to P. M. Potter. Madison for session of the legislative assembly of 1841 and 1842, thirty dollars.

To Thomas Hill, for chopping wood by order of the legislative Th. Hill. librarian for the use of the legislative assembly for session of 1841 and 1842, fourteen days; and for cleaning council and representatives' hall and spittoons, three days, thirty-one dollars and twenty-five cents.

To Alonzo Platt, for printing two hundred copies of the journal A. Platt. of the council for the session of 1841 and 1842, as per resolution of the council, one thousand eighty-nine dollars and seventy-seven cents.

To C. Latham Sholes, for printing two hundred copies of the C. L. Sholes. journal of the house of representatives of the session of 1841 and 1842, as per resolution of the house, one thousand one hundred and forty-three dollars and forty-two cents.

To Charles C. Sholes, for printing nine hundred and thirty-three C. C. Sholes. copies of the laws of the session of 1841 and 1842, eight hundred and seventy-five dollars and eighty-nine cents, as per joint resolution of the legislative assembly, approved February 18th, 1842.

To J. G. Knapp, for procuring copy of the laws of session end- J. G. Knapp. ing February 18, 1842, and superintending the publication of the same in the Wisconsin Enquirer, twenty-five dollars.

To J. T. Wilson, for work done in repairing stove pipe, and J. T. Wilson. sundry other work done about the capitol, five dollars and thirty-seven cents, up to February 1, 1843.

To Nelson Bigman, for work done for legislative assembly pre- N. Bigman. vious to January 1, 1843, in cleaning capitol halls, spittoons, from under capitol, &c., and for twenty days services in conveying wood for governor's, librarian's, secretary's, and auditor's offices, and for legislative halls, thirty-five dollars.

- T. Lindsey.** To Thomas Lindsey, for work done in clearing governor's room and laying down carpets in capitol previous to January 1st, 1843, thirteen dollars and seventy-five cents.
- G. Lemon.** To George Lemon, for thirteen days work about the capitol, and for hay to put under carpets, done and furnished previous to January 1, 1843, sixteen dollars.
- Wm. Eiky.** To William Eiky, for work done previous to January 1st, 1843, in repairing fire place in council chamber and mortar for same, three dollars and fifty cents.
- B. Shackelford** To Barlow Shackelford, for postage paid for library, three dollars and sixty-five cents, previous to January 1st, 1843.
- Wm. D. Bird.** To William D. Bird, for furnishing for the use of the legislative assembly, one hundred cords of wood, in March, 1842, three hundred dollars.
- A. Boyles.** To Alfred Boyles, forty dollars and seventy-five cents, as additional compensation for wood furnished for the use of the legislature.
- S. VanBergen.** To Seth Van Bergen, eighteen dollars and fifty cents, as additional compensation for wood furnished for the use of the legislature.
- W N Seymour** To William N. Seymour, for transportation of one box of books to Milwaukee, by order of librarian, to be bound, five dollars, in December, 1842.
- S. Mills.** To Simeon Mills, for brick furnished to repair fire place and hearth in council chamber, in December last, five dollars.
- D. Clark.** To Darwin Clark, for work done in preparing and putting up shelves in library room, by order of librarian, in March, 1841, twenty-five dollars.
- A. Lull.** To Almon Lull, late librarian, for his salary as legislative librarian from the 19th February, 1842, to the 21st day of May, 1842, inclusive, seventy dollars, to be paid to the said Almon Lull when he furnishes the secretary of the territory with a certificate of the superintendent of territorial property, that he has paid the superintendent for all property of the territory by him sold or unaccounted for.
- B. Shackelford** To Barlow Shackelford, for one pine table furnished for the library room since January 1st, 1843, three dollars.
- ib.** To Barlow Shackelford, late legislative librarian, for his salary as such librarian from the 22nd of May, 1842, to the 28th day of March, 1843, inclusive, one hundred and eighty-five dollars, being

the balance due said Shackelford after deducting seventy-five dollars paid him by the secretary of the territory.

To John Y. Smith, for bill of stationery purchased of Finch & J. Y. Smith, Co., for the use of the legislative assembly, six dollars and ninety-two cents.

To John Y. Smith, for repairing stove pipes of capitol halls, five dollars, and for attending and assisting committee of the legislative assembly in investigating the affairs of the capitol, ten days, during the last and present sessions of the legislative assembly, twenty dollars.

To William D. Daggett, for work done in repairing desks in hall W.D. Daggett, of house of representatives, during the past and present sessions of the legislative assembly, five dollars.

To William N. Seymour, for twenty-one days services during W N Seymour the present session as assistant librarian, at one dollar and fifty cents per day, thirty-one dollars and fifty cents.

To Rev. J. M. Clark, for his services as chaplain to the legislative assembly, of the last and present sessions thereof, one hundred dollars: *Provided*, this appropriation to Mr. Clark shall in no event be a charge to, or paid out of the territorial treasury.

To P. C. Hale, for stationery furnished the legislative assembly, P.C. Hale. March 14, 1843, one hundred and thirty-five dollars and seventy cents.

To Alfred Fellows, for transportation of four boxes of candles A. Fellows, from Milwaukee to Madison, in March last, two dollars.

To Nelson Bigman, for cleaning halls, spittoons, and for carrying wood to governor's and committee rooms, &c., for the sessions up to the 17th of April, sixty-three dollars.

To Alfred Boyles, for furnishing seventy-three cords of wood, A. Boyles, and chopping up one hundred and ninety-eight cords in the capitol yard and hauling same to capitol steps, and carrying wood twenty days to the upper hall of the capitol, three hundred and sixty-six dollars and fifty cents, for the use of the legislative assembly during the last and present sessions.

To Abel Rasdall, for hauling stationery purchased of P. C. A. Rasdall, Hale, from Milwaukee to Madison, in March last, ten dollars.

To James E. Hosmer, for services, thirty-five days, as assistant J. E. Hosmer, librarian, ending 25th March, 1843, fifty dollars.

To Joshua Boyles, for carrying wood up to secretary's room J. Boyles, during winter of 1842 and 1843, ten dollars.

- S. Van Bergen.** To Seth Van Bergen, for thirty-seven cords of wood, cutting up twelve cords of same, and hauling eighty-seven cords to door of capitol during last and present sessions of the legislative assembly, eighty-seven dollars.
- Weston & Co.** To J. D. Weston & Co., for stationery, &c., furnished the legislative assembly during its last session, seventeen dollars and eighty cents.
- W W Wyman.** To William W. Wyman, for printing daily journals, bills, rules and reports for council, up to and including 25th of March, 1843, three hundred and seventy dollars and sixty cents; also for 1002 copies of newspapers furnished members of the legislative assembly during the session ending March 25, 1843, sixty dollars and eight cents.
- Sheldon & Hyer.** To John P. Sheldon and George Hyer, for printing daily journals, bills for house of Representatives, rules and reports, up to and including 25th March, 1843, three hundred eighty-seven dollars, fifty four cents. Also for 1671 copies of newspapers furnished members of the legislative assembly during the session ending March 25th, 1843, one hundred dollars and twenty-six cents;
- J. Boyles.** To Joshua Boyles, for furnishing seven and one half cords of wood, and cutting same, during present session, twenty dollars. Also, for five days hauling wood, during present session, ten dollars.
- A. Boyles.** To Alfred Boyles, for work done in cutting and carrying wood for use of legislative assembly, during present session, seven dollars.
- John Catlin,** To John Catlin, for preparing the journals of the house of representatives for publication, for the sessions not heretofore published, affixing an index thereto, and superintending the printing of the same, two hundred dollars.
- J. V. Ingersoll and J. P. Sheldon.** To John V. Ingersoll, seventy-five dollars, and John P. Sheldon, one hundred and twenty-five dollars, for preparing the journals of the council for publication, for sessions not heretofore published, affixing an index thereto, and superintending the printing of the same.
- Printers of different papers.** To the publishers of the several newspapers in the territory, for publishing in their respective papers the election law passed at the present session, by direction of the Legislative assembly, each, ten dollars, to be paid by the secretary of the territory, upon the production of satisfactory proof for the publication thereof.

For the purchase of books for the library, to be purchased under Books for li-  
the direction of such person as the legislature may by joint reso- brary.  
lution appoint, three hundred dollars.

For furniture for the legislative halls, one hundred dollars; to For furniture  
be paid to, and expended under the direction of John Y. Smith, for halls.  
superintendent of territorial property.

To David Lambert, for printing proclamation of the governor, D. Lambert.  
calling a special session of the legislative assembly, five dollars;  
publishing said proclamation, nine dollars; printing proclamations  
for apportionment of members of legislative assembly, three dol-  
lars; advertising said proclamation, six dollars.

To A. P. Field, the sum of eight hundred dollars, for his ex- A. P. Field.  
penses in going to and returning from Washington, in June, 1842,  
and transporting forty-five thousand dollars to Madison to pay the  
expenses of the legislative assembly; to be paid out of the ar-  
rearages provided for by congress in their act of August last.

Also, the sum of eight hundred dollars in going to and return- Same.  
ing from Washington, this winter, to settle the accounts of the le-  
gislatre for legislative expenses, and transporting money to pay  
the expenses of the present session.

Also, the sum of one hundred dollars for postage paid on legis- Same.  
lative documents.

Also, the sum of one hundred dollars for lights, stationery, &c., Same.  
and for making out census papers under the direction of the le-  
gislatre, to enable them to apportion the representatives: *Provi-*  
*ded*, however, that the foregoing allowances to said Field shall in  
no event be made a charge upon or paid out of the territorial  
treasury.

To Albert G. Ellis, speaker of the house of representatives, for A. G. Ellis.  
extra compensation as speaker of the last and present sessions,  
forty days, at three dollars per day, one hundred and twenty  
dollars.

To George H. Walker, speaker pro tem. of the house of rep- G. H. Walker.  
resentatives, as speaker pro tem., two days services, at three dol-  
lars per day, six dollars.

To Albert G. Ellis, as speaker, the sum of forty-two dollars, A. G. Ellis.  
for the session of December 1842, and January 1843.

To Moses M. Strong, for services as president of the council, M. M. Strong.  
eighty-four dollars.

To Morgan L. Martin, for services as president of the council, M. L. Martin.  
eighty dollars.



- John Catlin.** To John Catlin, post master at Madison, for postage of the members of the legislative assembly for the last and present sessions, one hundred and twenty-five dollars; which appropriation shall have a preference, in reference to its payment by the secretary of the territory, to any other appropriation embraced in this act.
- W. Mygatt.** To Wallace Mygatt, for ninety copies of newspapers furnished members of the legislative assembly by order of the house of representatives, five dollars and forty cents.
- J. G. Knapp.** To J. G. Knapp, for bringing up the records of the journal of the council and house of representatives to the close of the present session, one hundred and fifty dollars; to be paid by the secretary of the territory, on satisfactory proof being made that such records are completed.
- D. Lambert.** To David Lambert, for three hundred and twenty papers furnished to the members of the legislature for the last and present sessions, twenty-two dollars and twenty cents; also, for one hundred and fifty papers furnished the executive office, nine dollars and fifty cents; total, thirty-one dollars and seventy cents.
- Sheldon & Hyer.** To John P. Sheldon and George Hyer, for printing for legislative assembly, for the session commencing the 27th March, to the 12th April, 1843, inclusive, three hundred and five dollars.
- W W Wyman** To W. W. Wyman, for printing for legislative assembly, for the session commencing the 27th March, to the 12th April, 1843, inclusive, four hundred and seventeen dollars and twelve cents.
- Sheldon & Hyer.** To Sheldon & Hyer, for four hundred and twenty-three newspapers, during the session ending April 17, 1843, twenty-five dollars and thirty-eight cents.
- Same.** To Sheldon & Hyer, for nine hundred and eighty-one copies of the Wisconsin Democrat, furnished the legislative council during the last and present session, fifty-eight dollars and eighty-six cents.
- Same.** To Sheldon & Hyer, for incidental printing for house of representatives, from the 12th of April to the close of the present session, inclusive, one hundred and twenty-one dollars and sixty-three cents.
- S. Van Bergen.** To Seth Van Bergen, for furnishing, cutting, and hauling to the steps of the capitol, for the use of the legislative assembly, five cords of wood, thirteen dollars and fifty cents.
- W W Wyman** To W. W. Wyman, for eight hundred and forty-three newspa-

pers furnished the legislative assembly during the session ending April 17th, 1843, fifty dollars fifty-eight cents.

Also, to W. W. Wyman, for incidental printing, the sum of forty W W Wyman dollars and thirty-five cents, not heretofore allowed.

To George P. Delaplaine, for writing done for legislative assembly, G. P. Delaplaine. bly, at the present session, fifty-seven dollars.

To Robert L. Ream, for writing for the legislative assembly, R. L. Ream, at the last and present sessions of the legislative assembly, ending 17th April, 1843, one hundred and two dollars.

To John Y. Smith, superintendent of legislative property, for J. Y. Smith. taking charge of the library, capitol, furniture of legislative halls, and legislative property, his salary from 28th March to 1st July, 1843, seventy-seven dollars and fifty cents.

Re-considered, and approved by the council, April 17, 1843; nine members voting for, and one against the bill.

JOHN P. SHELDON, Sec'y of Council.

Re-considered, and approved by the house of representatives—twenty members having voted for, and five against the bill—April 17, 1843.

JOHN CATLIN, Chief Clerk.

## RESOLUTIONS.

---

### JOINT RESOLUTION relative to the distribution of American state papers.

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin:*

That the superintendent of territorial property be directed to deliver to the register of deeds of each of the organized counties of the territory, except the county of Dane, one set of American state papers relating to the public lands, now remaining in the library, to be preserved for the use of such counties: *Provided, however,* that the delivery of said work shall not be attended with any expense to the territory.

### RESOLUTION to rescind a resolution to provide an office for the auditor and treasurer of the territory.

*Resolved,* (the Council concurring,) that a resolution passed at the session of the legislative assembly of 1841-1842, entitled "a resolution to provide an office for the auditor and treasurer of the territory," (laws 1842, page 104,) be, and the same is hereby, rescinded, so far as concerns the office of auditor and treasurer; and that the superintendent of territorial property be directed, during the recess of the assembly, to keep the north-west rooms, on the second floor of the capitol, *closed*.

### JOINT RESOLUTIONS relative to the distributive share of Wisconsin in the nett proceeds of the public lands.

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin:*

That Joshua Hathaway, of Milwaukee, receiver of the board of commissioners of the Milwaukee and Rock river canal, is hereby authorized and empowered to receive from the treasury department of the United States, at Washington, or any other per-

son by whom the same may have been received, the sum of one thousand eighty-two dollars and forty-five cents, being the distributive share of Wisconsin to the thirtieth day of June, 1842, of the nett proceeds of the public lands, agreeably to the provisions of an act of congress entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved 4th September, 1841.

*Resolved*, That the said Joshua Hathaway, upon the receipt of the said sum, shall pay to Joshua Hathaway and Allen W. Hatch, the amount of money by them borrowed, together with the interest thereon, under a joint resolution of the legislative assembly adopted in December last, entitled a "resolution to authorize the register and receiver of the Milwaukee and Rock river canal to borrow certain moneys," and the balance shall be applied to pay the interest on all the bonds now unredeemed, that were issued to Daniel Baxter for the completion of the capitol; and the sum remaining, if any, after such payment, shall be paid pro rata to the holders of said bonds.

Returned with veto of Governor. Reconsidered and approved April 17th, 1843, by the council—eight voting in the affirmative, and three in the negative. JOHN P. SHELDON, Sec'y.

Reconsidered and approved by the house of representatives, April 17th, 1843—twenty-one members voting for, and four against the bill. JOHN CATLIN, Chief Clerk.

**RESOLUTION** asking an appropriation of land by congress, for the purpose of establishing within the limits of the territory of Wisconsin, institutions for the instruction of the deaf and dumb and blind, and an asylum for the insane.

WHEREAS, those unfortunate persons who are afflicted by the loss of a portion of their faculties or senses, cannot participate in the benefits arising from the common school system, and from the lands granted for the support of such schools; and whereas, such persons are (if any difference) most entitled to those benefits; therefore,

*Resolved*, by the Council and House of Representatives of the Territory of Wisconsin:

That the congress of the United States be urgently requested

to make an appropriation of land equal to one entire township, the proceeds of which to be expended under the direction of the legislature, for the purpose of establishing within this territory, an institution for the instruction of the blind; for the purpose of establishing an institution for the instruction of the deaf and dumb; and also for the purpose of establishing an asylum for the insane.

*Resolved*, That the delegate in congress from Wisconsin territory, be requested to urge the passage of a law making such an appropriation.

*Resolved*, That one copy of the foregoing resolutions be forwarded to the presiding officer of each of the houses of congress, and to the delegate to the next congress.

APPROVED, April 5, 1843.

## RESOLUTION relative to wood furnished for the Legislative Assembly.

*Resolved, by the Council and House of Representatives:*

That hereafter no wood furnished for the use of the legislative assembly shall be used for the auditor's, treasurer's, or supreme court clerk's office, and that such wood shall be used in the governor's and secretary's offices during the actual sitting of the legislature only; that no allowance shall be made for carrying wood to the library rooms, and that the fireman of the council and house of representatives shall furnish the wood used in the halls of the respective houses from the steps of the capitol.

PASSED, April 3, 1843.

## RESOLUTION in relation to renting a certain room in the Capitol to the county of Dane.

*Resolved, by the Council and House of Representatives:*

That the superintendent of territorial property be authorized to lease to the county of Dane, the room on the lower floor, in front of the executive office, to be occupied as a register and commissioners' office, for such rent as he may deem reasonable: *Provided*, that such lease may be revocable at any time the superintendent may think the public interest requires it.

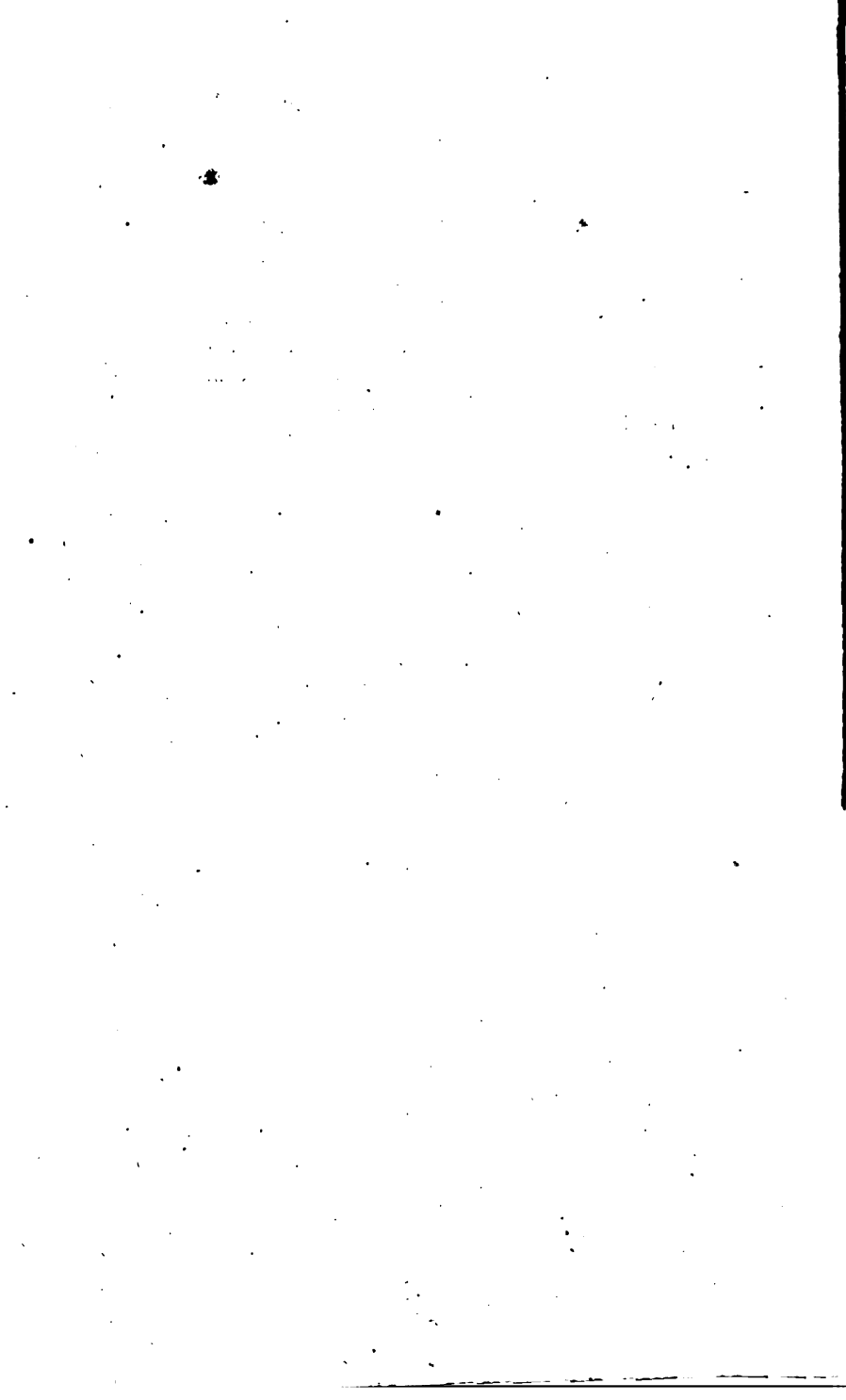
APPROVED, April 7, 1843.

**RESOLUTION** relative to the destruction of Canal Bonds.

*Resolved, by the Council and House of Representatives of the Territory of Wisconsin:*

That the governor be authorized and required to destroy, in the presence of the legislative assembly, on the 25th day of March, 1843, sixty-one canal bonds, issued in pursuance of an act of the legislative assembly of this territory, entitled "an act supplementary to the several acts relating to the Milwaukee and Rock river canal," approved February 12th, 1841, and numbered one, two, and three, and from thirty-seven to fifty-one, and from fifty-seven to one hundred, inclusive, and bearing date March 15th, 1841,

APPROVED, March 20th, 1843.



**ERRATA.**—The following list of errors, which occurred in copying the laws for the press, was furnished by the Secretary of the Territory after this pamphlet was printed.

**SHELDON & HYER.**

Page 3, in the title of the first act, for "Feb. 18," read "Feb. 16."

Page 13, in the 7th line of the title of the act, for "several sections," read "*second section.*"

Page 33, in the 4th line of the 2d section, read "*of this act.*"

Page 36, in the last line of the 5th section, read "*free of all charge;*"—in the 7th section, read "*be amended or repealed*"—and to the enacting clause of the act commencing on said page, add the words, "*as follows.*"

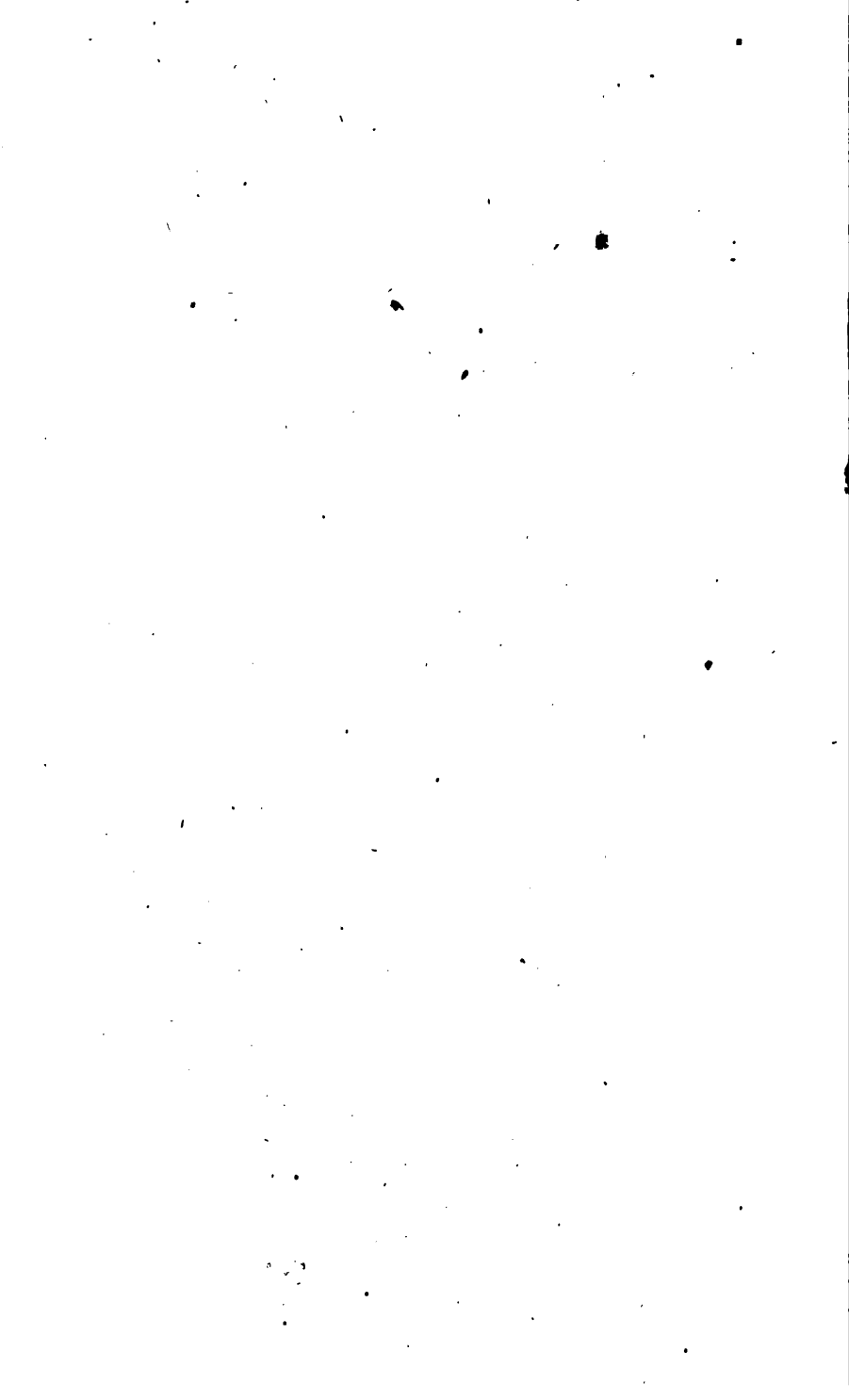
Page 37, in the 2d line from the bottom, for "corrected," read "*counted.*"

Page 40, in the 5th line from the top, after the word "thereon," add the following: "*to insert such taxes so found to be justly payable thereon.*"

Page 42, in the 5th line from the top, for "organized," read "*authorized*"—and in the 10th line of the 23d section, for "three," read "*ten.*"

Page 61, in the 7th line from the bottom, after the word "channel," add the following: "*and so much of the north branch or channel.*"





# INDEX.

---

92

## APPROPRIATION—

to pay expenses of legislative assembly, 76, 77, 78, 79, 80, 81, 82, 83.

## BROWN, H. S.—

name changed, 6.

## BANK OF WISCONSIN—

charter repealed, 63.

## BRIDGES—

commissioners to erect on Pike creek, 57:

## COURTS—

when and where held in second district, 6; of process; when and how returned, 73, 74.

## CANAL—

Milwaukee and Rock river, part of act repealed, 13, 14.

## CITY OF THE FOUR LAKES—

plat of, vacated, 61.

## CLINTON—

town of, in Rock county, what annexed to it, 5.

## CAPITOL—

county commissioners to put on new roof, 74, 75.

## COUNTIES—

St. Croix, its organization, 56; acts of officers therein legalized; attached to Crawford county for judicial purposes, 56, 57; assessors of, their duty, 62.

## COUNTY OF DODGE—

elections, how held, 54, 55.

## DAMS—

Henry Thien, et al. to maintain on Milwaukee river, 21; Levi Godfrey et al. to build on Fox river, 22; W. H. H. Bailey, et al. on Rock river, 25, 36; Ira Hersey to build on Rock river, 26, 27; Silas Peck, et al. to build on Fox river, 32; Clouden Stoughton, to build on Rock river, 34, 35, 36; Anson W. Pope et al. on

*Order by the court...*

Rock river, 35, 36; S. H. Farnsworth et al. on Menomonee river, 61, 62; on Manitowoc river to have slides, 68.

**DEPERE—**

town of, what attached to it, 31.

**ELECTIONS—**

general special, how regulated, 9, 10, 11, 12, 13; in Dodge county, how regulated, 54, 55; in certain towns legalized, 28, 29; in Winnebago county legalized, 22; in Fond du Lac county, 71; in town of Winnebago, when and where held, 31.

**EMBEZZLEMENT—**

By certain officers, how punished.

**FERRIES—**

Webster Stanley to maintain on Fox river, 3.

**FULTON—**

town of, organized, 4.

**FEES—**

of clerk in naturalization, 25.

**GREEN BAY—**

town of, boundaries altered, 31.

**JOHNSTOWN—**

town of, organized, 4.

**JEFFERSON—**

town of, what attached to it, 4.

**JUSTICES OF THE PEACE—**

when time expires of old ones, new ones when to come in, 9, 10, 11, 12, 13; Frederic Borchardt, acts of, legalized, 53; George McWilliams, acts of, legalized, 57; Edwin Hart, acts of, legalized, 57; Lyman Crossman, acts of, legalized, 57.

**KAUKAULIN—**

town of, organized, 4.

**LA FAYETTE—**

town of, organized, 4.

**LA GRANGE—**

town of, organized, 4.

**LEGISLATURE—**

sessions of, how regulated, 8; former acts repealed, 8; concerning their officers, 58.

**LOCKWOOD, J. H.**

acts of, legalized, 22, 33.

**MEACHAM—**

town of, organized, 3.

**MANCHESTER—**

town of, organized, 5.

**MARQUETTE—**

town of, organized, 5.

**MORTGAGES—**

regulating sales under, 60, 61.

**MILITIA—**

law repealed in part, 68, 69.

**NEHMAHBIN—**

town of, organized, 3.

**OTTAWA—**

town of, organized, 4.

**OAKLAND—**

town of, organized, 4.

**OFFICERS—**

when and how to report, 27.

**OFFICES—**

certain ones abolished, 23; removals from, 76.

**PRAIRIEVILLE—**

manufacturing company, charter of, 17, 18, 19, 20.

**ROCK—**

town of, organized, 5.

**RACINE—**

village of, to raise money, 23, 24.

**RESOLUTIONS—**

relative to state papers, 84; relative to offices of auditor and treasurer, 84; relative to surplus revenue, 84, 85; asking land for deaf and dumb asylum, 85; relative to wood for capitol, 86; to lease rooms to Dane county, 86; to destroy certain bonds, 87.

**ROADS—**

territorial, how laid out and opened, 46, 47, 48, 49, 50, 51; miscellaneous provisions thereto, 51, 52; Aztalan to Jefferson, &c., 58, 59; from Prairie du Chien to La Pointe, 63, 64; other territorial roads, 72, 73.

**REWARDS—**

governor to offer, 60.

**SHARON—**

town of, organized, 5.

**SUPERINTENDENT—**

of public property, how elected, his duties, &c., 14, 15, 16, 17.

**SCHOOLS—**

districts how organized, their powers, &c., 43, 44, 45.

**TOWNS—**

general law regulating, 36, 37, 38, 39, 40, 41, 42, 43; certain towns therein named, 3, 4, 5, 31; miscellaneous provisions as to towns and their government, 52, 53, 54, 55; certain boundaries in Walworth county, 55; town of Pike, 59; of Southport, 59.

**TAXES—**

county of Milwaukee, levy and collect tax in town of Summit, 34; to be levied to raise territorial revenue, duties of officers, &c., 65, 66, 67, 68; to be paid in gold and silver, 67.

**UNION—**

town of, what attached to it, 4.

**VENUE—**

how changed in criminal cases, 7.

**WINNEBAGO—**

town of, its boundaries, 31; elections when and where held, 31.

**WASHINGTON COUNTY—**

register of deeds, his duty, 33, 34.

11331

